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APPENDIX

Volume II—pages 323a-540a

IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 78-357

ROBERT R. WILLIAMS, et al.,

Appellants,

v.

LEILA G. BROWN, et al.,

Appellees.

ON APPEAL FROM THE
UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

JURISDICTIONAL STATEMENT FILED AUGUST 30, 1978
PROBABLE JURISDICTION NOTED OCTOBER 30, 1978

INDEX
Volume I

	Page
Opinion (Per Curiam) of the Court of Appeals filed June 2, 1978	1a
Judgment of the Court of Appeals filed June 2, 1978	3a
District Court Opinion and Order as to the Board of School Commissioners of Mobile County, et al., filed December 9, 1976	5a
District Court Order and Decree Amending Order and Decree Dated December 9, 1976, filed December 13, 1976	52a
Judgment of the District Court filed January 18, 1977	56a
Relevant Docket Entries in the District Court	62a
Complaint filed June 9, 1975	75a
District Court Order filed November 21, 1975, Dismissing Defendants Robert R. Williams, Dan C. Alexander, Jr., Norman J. Berger, Ruth F. Drago and Homer L. Sessions	80a
Plaintiffs' Motion for Certification of Class filed December 15, 1975	81a
District Court Order on Motion to Dismiss filed December 29, 1975	82a
Preliminary Pretrial Order filed January 13, 1976	85a
District Court Order filed January 19, 1976, Granting Plaintiffs' Motion for Certification of Class	87a
Motion to Add Parties Defendant filed March 1, 1976	88a
Proposed Amended Complaint filed March 8, 1976	90a
Motion for Continuance of Defendants filed July 6, 1976	92a
Motion for Default Judgment of Plaintiffs filed July 12, 1976	95a
Second Motion for Continuance of Defendants filed July 12, 1976	100a

Page

Answer to Amended Complaint of Defendants filed July 12, 1976 ..... 106a

Response to Motion for Default Judgment of Defendants filed July 13, 1976 ..... 113a

Preliminary Pretrial Order filed July 20, 1976..... 118a

Motion to Strike of Plaintiffs filed July 29, 1976 ..... 120a

Supplemental Joint Pretrial Document Relevant to Mobile County School Board filed July 30, 1976..... 125a

District Court Notice of Order dated July 30, 1976, Granting Plaintiffs' Motion to Strike..... 139a

District Court Order on Pretrial Hearing filed August 9, 1976..... 140a

Motion to Sever and to Dismiss or Continue of Defendant Board of School Commissioners filed September 2, 1976..... 144a

District Court Order on Defendant Board of School Commissioners' Motion to Sever and Dismiss or Continue filed September 7, 1976..... 149a

Notice of Appeal filed February 15, 1977, by Defendants 151a

Notice of Cross-Appeal filed February 28, 1977, by Plaintiffs..... 152a

Portions of Transcript of Proceedings of September 9-17, 1976, before the District Court:

Caption and Appearances 154a

Index of District Court Proceedings..... 156a

Commencement of District Court Proceedings: Colloquy 166a

Testimony of Dr. Cort B. Schlichting..... 184a

Testimony of Dr. Melton A. McLaurin..... 191a

Testimony of Mr. Cain J. Kennedy..... 226a

Testimony of Mr. Gary Cooper..... 253a

Testimony of Mr. Charles L. Cotrell..... 278a

Testimony of Mr. Robert Edington..... 298a

Volume II

Page

Testimony of Mrs. Lonia M. Gill..... 323a

Testimony of Mrs. Gerre Koffler..... 332a

Testimony of Mr. James E. Buskey 347a

Testimony of Mr. Joseph N. Langan 361a

Testimony of Mr. John H. Friend 374a-75a; 388a-95a

Testimony of Mr. Dan Alexander 376a-87a

Testimony of Mr. Meyer Perloff..... 396a

Testimony of Dr. James Everett Voyles..... 407a

Closing Argument of Mr. James U. Blacksher..... 429a

Closing Argument of Mr. Abe Philips..... 435a

Portions of Plaintiffs' Exhibits Introduced During Proceedings of September 9-17, 1976, Before the District Court:

No. 2 —Article of Dr. McLaurin on "Mobile Blacks and World War II: The Development of a Political Consciousness".. 445a

No. 4 —1976 Mobile Voter Turnout for Selected Wards..... 457a

No. 5 —1973 Mobile Voter Registration..... 458a

No. 9 —Excerpts from Dr. Voyles' Thesis: "An Analysis of Voting Patterns In Mobile, Alabama, 1948-1970" 459a

No. 10 —Regression Analysis of Votes Received by Candidate Goode in Democratic School Board Primary, May 29, 1962.. 504a

Page

No. 19 —Regression Analysis of Votes in Russell School Board Democratic Primary Runoff, May, 1966 ..... 508a
No. 34 —Regression Analysis of Votes Received by Candidate Jacobs in School Board Democratic Primary, June 2, 1970..... 512a
No. 52 —Regression Analysis of Votes Received by Candidate Gill in School Board Place 1, Democratic Primary Runoff, June, 1974 ..... 516a
No. 53 —Summary of Regression Analyses for All Elections Analyzed by Plaintiffs..... 519a
No. 63 —Excerpts from file "Newspaper Ads" 521a
No. 98 —Analysis of Victory Margins in Selected Races 540a

LONIA M. GILL

the witness, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MENEFEE:

Q This is Mrs. Lonia M. Gill. She is fifty-eight years old. She lives at 2854 Whistler Street, Whistler, Alabama.

She is married. She attended Mobile County Training School and Tuskegee Institute. She has lived in Mobile County all of her life. She has two children. She is executive secretary for the A.M.E. Zion Church; is that correct, Mrs. Gill?

A That is quite correct, sir.

Q Were you a candidate for the Mobile County School Board in 1974?

A Yes, place one.

Q Who were your opponents in that race?

A There were five.

Q Could you name them?

A Yes. Mr. Roland Sanders, Dan Alexander, Gearney Owens, Mr. Westbrook. I don't remember his first name.

Mr. Voyles, and myself. I think that is six in all. Five men and one woman.

Q In that election, first, were you the only black candidate in that race?

A The only black candidate and the only woman.

Q Did you gain -- was there a runoff in that election?

A Yes, there was a runoff between Mr. Alexander and myself.

Q All right. And Mr. Alexander won?

A Yes, he did.

Q Mrs. Gill, did you notice any overt racial campaigning in that election?

A Any what did you say? Racial campaigning?

Q Yes, ma'am?

A None that I noticed. I am sure there must have been some. A candidate can't see everything, but there had to be some, Mr. Menefee.

Q Do you think race was an issue or a major factor in the election?

A Yes, I will always believe that race was a major factor.

Q Mrs. Gill, from your experience in this race, do you think, or do you have an opinion on the chance of a black candidate running County wide in Mobile County against a credible white opposition?

MR. PHILIPS:

Your Honor, I object to that question. There is no proper predicate shown to qualify her to give an opinion. There are many,many other factors that might be involved in a political campaign and political races. All this lady testified to was she ran for office one time and lost.

THE COURT:

I will let her express an opinion. Of course, you can cross examine her. It doesn't mean the Court accepts or rejects.

A Are you saying, Judge, I am at liberty to answer the question?

THE COURT:

You may.

A Thank you, Judge.

In reference to your question, sir, my personal opinion to that would be that I would think that blacks would have -- not have a very good chance running in a county election.

Q Would you run again under similar circumstances in an at large election for the Mobile County School Board?

A Not under the present set-up. I really don't think I would, even as much as I enjoyed the campaign. I don't think I would.

Q Did you enjoy the campaign, Mrs. Gill?

A I did. I would be telling something that wasn't so if I said I didn't.

Even though I lost, I enjoyed the campaign, because it was very rewarding.

Q Mrs. Gill, about how much money did you spend on your campaign?

A It wasn't too much spent, because I didn't have too much; a couple of thousand dollars.

Q Did you appear on radio and T.V.?

A Yes. I guess I must have appeared on all of the radio stations and T.V.

Q What sort of paid advertising did you use, Mrs. Gill? Did you have printed material?

A I did. I had plackerts. I had cards. I had one of these street streamers. I am not so sure that is the correct title for it, but it was over here on Springhill Avenue. I had bumper stickers.

Q Did you campaign county wide in both the black and white communities?

A I did county wide, all over. It seems as if all th candidates -- I am not so sure that this is really correct -- I got the impression that all of the candidates were invited to most of the happenings, because, whenever I was there, everybody was there seemingly.

Q Mrs. Gill, are you able to tell us where most of

your campaign contributions came from as to whether or not they were from predominantly the black community or the white community?

A I don't know that I can, because really it came from both. I don't know if I -- I am almost sure I must have gotten most of it from the black community, but I got some white contributions, also.

Q Mrs. Gill, are you familiar with Dr. E. B. Goode?

A Quite familiar, sir.

Q He was a candidate for the school board in 1962. Is he well known and respected in the black community?

A I would think so.

Q What about Dr. W. L. Russell?

A I would think the same about Dr. Russell.

Q And Mrs. Jackie Jacobs?

A Yes, Mrs. Jackie Jacobs, also.

Q She is well known and respected?

A She was at the time. She doesn't live her any more; I don't think.

Q In your campaign, would you tell us about some of the endorsements you received from endorsing organizations?

A Yes. Number one, Mobile County Teachers Associatior endorsed me, because they were -- the real reason why I got in.

Q That is a bi-racial group?

A Oh, yes. The Non-Partisan Voters League, Associated Press, the -- I can't remember. I had several endorsements, but those were some of the major endorsements.

Q You received the "A" vote?

A Yes, I did. In the very beginning, they did not endorse me, but they did when I got in the runoff. In the beginning they endorsed someone else.

Q Am I correct in understanding that the endorsement of the "A.E.A., Alabama Education Association.....

A Yes, sir.

Q Did you receive the endorsement of the Press Register?

A Yes, I did, both times.

Q Would you tell us a little bit about your background and experience and education as it relates to the Mobile County Educational system, your work and participation as a parent in education?

A Okay. I would rather start from the beginning. I first started working with the Mobile County school system as a teacher. Then, I left the system and worked for the government. Then, I worked with the PTA as county wide president, and was elected statewide president. I was president of the Alabama Congress of Colored Parents and Teachers when the two state congresses merged in 1971. They merged into one state organization.

Then, I, after the phasing out of the -- or the

and you carried on a campaign with a determination to win, didn't you?

A Yes, sir.

Q That was the first time that you had ever run for political office, wasn't it, Mrs. Gill?

A That was my first bid for public office, sir.

Q Had any member of your family, by the name of Gill ever run for political office before?

A I don't think so.

Q In the runoff, you were running against a fellow that had run for political office before, hadn't he?

A I was aware of that.

Q He was running as a long time supporter of Governor Wallace, wasn't he?

A Yes.

Q And he was a fairly well known man around town?

A He was.

Q I believe you said that during the campaign you attended rallies all around the County with the other candidates. You made an appeal to the people there to vote for you, didn't you?

A I did.

Q And you were also endorsed by the Non-Partisan Voters League, which was the endorsing black organization, isn't it?

A Yes.

Q And you were also endorsed by the Alabama Educational Association?

A No, the Mobile County Teachers Association.

Q The Mobile County Teachers Association?

A Yes.

Q And the Associated Press?

A Yes.

Q And the Mobile Press Register?

A That is right.

Q Did you find any all white endorsing organizations in that campaign, Mrs. Gill?

A Any all white endorsing --

Q Comparable to the Non-Partisan Voters League?

MR. MENEFEE:

Objection, Your Honor. I don't believe it is in the record that the Non-Partisan Voters League is all black.

MR. KENNAMER:

Is the Non-Partisan Voters League all black, Mrs. Gill?

A No, it is --

THE COURT:

Is it predominantly black?

A I think it could be.

MR. KENNAMER:

Do you know of any whites that are in it?

A No, I don't know them personally.

THE COURT:

Do you know a comparable organization among the whites?

A No, Judge.

MR. KENNAMER:

That is a non-paying job, too, isn't it, Mrs. Gill; the school board?

A Yes, it is.

Q I believe you said that you received contributions from whites and blacks?

A Yes, I did.

Q And you spent about two thousand dollars?

A More or less.

MR. KENNAMER:

I believe that is all.

MR. PHILIPS:

I have a few questions.

CROSS EXAMINATION

BY MR. PHILIPS:

Q Now, Mrs. Gill, in your approach to your campaign, if I am not mistaken, one of the things that you campaigned heavily on was the fact that you should be elected to the position because you were a woman; is that correct?

A That is what I was telling you, sir. I did not stress that too much.

MR. PHILIPS:

I have no further questions.

MR. MENEFEE:

No questions.

THE COURT:

You may come down. Whom will you have next?

MR. MENEFEE:

Mrs. Gerre Koffler.

GERRE KOFFLER

the witness, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. MENEFEE:

Q This is Mrs. Gerre Koffler. She lives at 4208 Rochester Road in Mobile. She is married and is the mother of three children. She has attended the University of Alabama, Springhill College and the University of South Alabama.

She has lived in Mobile County since 1954. She works for the Public Relations Council.

Is that a correct statement, Mrs. Koffler?

A That is right.

Q Mrs. Koffler, were you a candidate for the school board in 1972?

A Yes, I was.

Q Who were your opponents in that race, please, ma'am?

A Bill Westbrook and Homer Sessions.

THE COURT:

That was in 1972?

A Yes, sir.

THE COURT:

All right.

MR. MENEFEE:

Was there a runoff in that election?

A Yes, sir, there was.

Q And did you make the runoff?

A Yes, I did.

Q Against Mr. Sessions?

A That is right.

Q And Mr. Sessions won?

A That is right.

Q Do you remember approximately what the margin of victory or votes were?

A In the first election, I carried the ticket by a very small number of votes. In the runoff, Mr. Sessions beat me between twenty-five hundred and three thousand votes.

Q Mrs. Koffler, have you worked in other elections in Mobile County?

A Yes, I have.

Q Would you describe very briefly your participation in other elections?

A Well, in the past May primary our firm represented about six or seven different candidates, some in Baldwin Count and some in Mobile County, for the County Commission, District Court Judge, State Board of Education, and so forth. I think we did some work for one of the school board candidates.

Q And prior to this May, what other campaigns have you been involved with?

A A Judge's race in Baldwin County, and I was involved in the Sheriff's race.

Q Sheriff's race in Mobile County?

A Yes.

Q Mrs. Koffler, you are white, but was race an issue in your campaign in 1972?

A I believe it was.

Q What leads you to that opinion?

A Well, I believe we had got documents to show that race was. There was a smear sheet during the runoff, two smear sheets that were passed out in both the City and the County. There were several, what I guess you would call, racist ads run during the runoff. I had several threatening phone calls.

My daughter was harassed at Murphy High School. So, I believe you could easily say that race was involved.

Q Mrs. Koffler, I would like to show you a page from Exhibit number 63. Is that the type of advertisement?

A That was one of the two smear sheets that were put out. There was another one. I don't see it here.

Q This page says, "Who will run your schools?" And it has a picture of John LeFlore.

MR. PHILIPS:

Your Honor, I object. I think the Exhibit speaks for itself. I don't think it is necessary for Mr. Menefee to read it into the record.

MR. MENEFEE:

Mrs. Koffler, was this and other advertisements similar to it part of the tenor of the campaign?

A I think it was in the runoff, yes.

Q Your Honor, this is Exhibit number 63. It is a collection of newspaper advertisements of various campaigns. Several of them refer to Mrs. Koffler's campaign and we would like to offer these into evidence.

THE COURT:

Mark them.

(Plaintiffs' Exhibit 63 was received and marked, in evidence.)

MR. PHILIPS:

numerous other newspaper articles that this woman -- that this lady is not involved with.

MR. PHILIPS:

I don't think that she can authenticate these.

THE COURT:

Those are newspaper articles. They are self-authenticating; Rule 602(6).

MR. PHILIPS:

Your Honor, some of them appear to be something other than newspaper articles.

MR. BLACKSHER:

If it please the Court, there are one or two handbills that are not newspaper articles that will be authenticated by Mr. Langan.

THE COURT:

As to those, I will hold up on that. Go ahead.

MR. KENNAMER:

Mrs. Koffler, would you tell us about the runoff election with Mr. Sessions, as to -- were there allegations of block voting?

A Yes, there was a block ad put in during the runoff.

Q How does this operate, in your race in particular? What was the tenor of this argument that is made about the block vote?

A Well, the ad said something about don't let the

block vote tell you how to vote or something to that effect.

Q What was --

A It said the black block vote and it had figures from various wards.

Q Were these wards in the predominantly black section of town?

A Yes, they were.

Q Mrs. Koffler, from your experience in your race in 1972 -- have you run for any other office?

A Yes, I ran for delegate to the Democratic National Convention as an uncommitted delegate.

Q In 1976?

A Yes.

Q From your experience in these two races that you were a candidate and on the other races that you have worked in, do you have an opinion as to whether or not race is a major factor in campaigns in Mobile County?

MR. PHILIPS:

Your Honor, I object on the time frame. It is not indicated that she has worked in any political campaigns or at least no time has been given as to when she worked in these political campaigns. There is no proper predicate.

THE COURT:

She can testify from 1972 on.

A Would you rephrase that question or give me the

question again?

MR. MENEFEE:

From your experience in your own two campaigns and the others you have worked in, do you have an opinion as to whether or not race is a major factor in campaigns, in Mobile County?

A I think in my race it was raised as a major factor. In some of the others I worked on, there was no race at all. It was strictly on other issues. In one or two, yes, race did come up. Every time race came up, to my knowledge and to the best of my memory, the candidate was defeated.

Q I would like to ask the Clerk to show the witness Exhibit number 65, please.

Mrs. Koffler, would you identify Exhibit number 65, please?

A It is an ad placed by Nicholas Kearney in the May election for District Court Judge and it says --

MR. WOOD:

Your Honor, I object to reading what it says into the record until we have determined whether it is admissible or get a little further identification of it?

MR. MENEFEE:

That is right. Do you know where that ad was published?

A Yes, I do.

Q Where?

A Chickasaw News Herald and the Mobile County News.

Q That was in the election this past May?

A Yes, it was.

Q Your Honor, we move the admission of this advertisement.

THE COURT:

All right.

MR. PHILIPS:

Your Honor, I would object to it. I don't think it has any relevance as far as the school board is concerned.

I realize your Honor is overruling this objection every time I make it. I still don't think it has any relevancy at all to the issues having to do with the school board.

THE COURT:

Yes, I will overrule it. Let it in.

(Plaintiffs' Exhibit 65 was received and marked, in evidence,)

MR. MENEFEE:

Mrs. Koffler, is this one of the examples of an election you worked in and saw race raised as an issue?

A Yes, it is.

Q Mrs. Koffler, is there any other issue in Mobile County since 1972, in your experience that compares to race as

about it.

I have not come across Mr. Westbrook in the past year. Every time I am openly involved, not on a professional basis, Mr. Westbrook comes from out of the bushes and takes a crack at me.

Q On that page twenty, who paid for that advertisement, please, ma'am?

A Lloyd C. -- looks like Durrell.

Q Thank you, ma'am.

Mrs. Koffler, from your experience in politics in Mobile County, how would you describe the chances that a black candidate would have against a white candidate with approximately similar qualifications and experience?

A I would think that he would have a rough go, or she.

Q Would you make any distinction as to county and school board races?

A I think that as far as a county wide race goes, such as the county commission, it would be very, very difficult for a number of reasons. I think that a qualified black candidate would have a chance at a school board election if they were running against someone who was beatable. If they were running against someone who was an incumbent and has done a very good job, I don't believe they would have a chance.

I think a good possibility that the right black could have won a seat in this last school board election if he had

no other white opposition, but the incumbent. If he had equal white opposition, I don't think he would have a chance.

Q You are posing the situation of a particular white candidate with --

A I imagine that is what I am doing.

THE COURT:

I thought you were talking about a black candidate. Are you talking about a white candidate?

A No, I am talking about a black candidate running against a white candidate, a particular white candidate.

MR. MENEFEE:

Would you care to -- do you have anyone in mind?

A Yes. I believe that Mr. Williams was beatable in the last school board election and I think that was born out by the vote.

Q I see. But, as a general proposition, equally qualified black and white candidates?

A I don't think the black would have been able to beat the white candidate in that same election.

Q Mrs. Koffler, are you familiar with the Non-Partisan Voters League?

A Yes, I am.

Q Did you receive their endorsement when you ran?

A Yes, I did.

Q Mrs. Koffler, do you have an opinion whether or not

Did I understand you to say, Mrs. Koffler, that there is a good possibility that a black could win in a school board race, now?

A Against a particular candidate. I didn't say that I felt that a black could win any school board position. I said that I felt that a qualified black, without white opposition, could have defeated Bob Williams and that was all I said.

MR. KENNAMER:

Judge, that is all.

THE COURT:

Mr. Philips, for my information, I had to set other things during lunch time. How long is your cross going to take?

MR. PHILIPS:

Your Honor, perhaps five minutes.

THE COURT:

I have some things. I am sorry to have to make you come back. You will have to come back at one-thirty.

MR. STILL:

Your Honor, could we move the admission of a couple of Exhibits at this point?

THE COURT:

What about letting me take it up after lunch. I set something at eleven-forty-five and I am running behind now.

you?

A No, they didn't.

Q How about the Mobile Press Register?

A No.

Q How about the Mobile Chamber of Commerce?

A I don't believe they endorse candidates.

Q Okay. They didn't endorse you in any event?

A No.

Q What was the cost of your campaign, Mrs. Koffler?

A Five thousand dollars for both the first primary and the runoff.

Q I am sorry. You said that included the primary and the runoff?

A Both elections, twenty-five hundred dollars a piece.

Q Did you pay for that out of your pocket or did you have campaign contributions?

A I had contributions.

Q Did those come from the white community and the black community?

A Yes, mostly from the white community. In fact, ninety-nine percent.

THE COURT:

I thought y'all got mixed up.

A I said ninety-nine percent came from the white community.

The second reason, there was a little money transaction going on with the school board that I knew a little something about, and I wanted to be there to protect our tax money, I guess, and I just felt it was important that the parents were representative on the school board.

Q Had you received some publicity prior to your campaign in the National media for your work with the school system?

A Yes. ABC television televised the opening of schools in September, and they -- I had headed a campaign to try to have peaceful integration of the schools. The court order -- I didn't want my children beat up and I didn't want any trouble. I mounted a summer campaign called "Make It Work". And we were on television. The ABC cameras came down to see how it worked and they focused in on the work we had done and a button I had designed that said "Make It Work", and they ended their T.V. thing with that and mentioned my name. Time Magazine also mentioned it with the good work that Mobile did so they would have peaceful integration in the schools, or busing, or whatever it was.

Q Well, as to your position in particular on that matter of busing, in this organization called the theme of "Make It Work", was it in favor of busing?

A I had no position on busing. I was tagged the busing lady and so forth. I don't know how I got that. My position was there wasn't one thing we could do about it. This

was something the Court had handed down and it was the law of the land and I was very, very concerned about our children, especially my children, and I said, when I went out and campaigned, I had addressed interests that I was a parent of public school children and I was very concerned, and I had no stand on the morality or the rightness or wrongness of busing, and it was the law, and I think that is one time I did support Wallace. I was for law and order.

Q And then you entered -- then you became a candidate?

A It grew from that. I got a lot of support from teachers and PTA's for that work in a lot of communities.

Q Now, Mr. Kennamer, in his cross examination, mentioned several newspaper ads?

A Yes.

Q Would you take a look at the selection, Exhibit number 63, the collection of newspaper ads, particularly pages fourteen through twenty. Do you recognize those?

A Yes.

Q As being from your campaign?

A Yes.

Q Would you describe how the issue of -- how race was injected into the campaign?

A I think it was injected by my opponent. They accused me of being for busing and they were against busing. I believe the race issue, as I said before, it was not as

prominent. It was sort of fault in the rallies between Mr. Westbrook and I and Mr. Sessions did not get involved very much. Mr. Westbrook took shots all over and tried to get me to say that I was for busing, which I say I was not for or against. After the initial race, and I led the ticket Mr. Westbrook gave his endorsement to Mr. Sessions, and that is when all the racism, in my opinion, came out.

Q What sort of things were you accused of in these ads?

A Well, I was accused of dating black men. I was accused of entertaining black men in my home. I was -- a set of boys made to try to get me to meet a black at a motel and have someone there to take pictures and use that in a smear campaign, but my husband went instead of me, and I got threatening phone calls in the middle of the night all during the runoff.

Q Were you associated with father Foley at Springhill College?

A I attended Father Foley's human relations workshops.

Q Mrs. Koffler, you have talked about how the black vote is apparently more fragmented now than it was in the sixties and mentioned, however, there was still some similar interests. Do you think today there are still some similar interests in the black community that a candidate could address and receive a substantial or overwhelming vote in the black

A Fifteen thousand, I am sorry. Mr. Westbrook had eleven thousand.

Q In the runoff, how many votes did you get?

A Fifteen thousand nine hundred and something.

Q How many votes did Mr. Sessions get?

A Eighteen something. I am not sure, of the exact figures. There was anywhere from two thousand five hundred to three thousand differential.

MR. KENNAMER:

Thank you, ma'am. I have no further questions.

THE COURT:

May we excuse this witness?

MR. MENEFEE:

Yes, sir.

THE COURT:

You may be excused. Whom will you have next?

JAMES E. BUSKEY

the witness, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. MENEFEE:

Q This is Mr. James E. Buskey., He is thirty-nine years old. He lives at 2207 Barretts Lane. He is married and

has a B.S., M.A.T., and E.B.S.

He has lived all of his life in Mobile County and was born in Greenville, Alabama; is that correct, Mr. Buskey?

A Yes, sir.

Q Mr. Buskey, are you currently a member of the Alabama Legislature?

A Yes, sir, I am.

Q Through what process were you elected to the Alabama Legislature?

A We went to the Democratic Primary race in May and faced Republican opposition this past August 31st and we were successful for our bid to the Alabama Legislature.

Q Is this for House District 99?

A Yes, sir.

Q The unexpired term of the late John LeFlore?

A Yes, sir.

Q Have you ever run for any other political office in Mobile County?

A Yes, sir. I have won others.

Q What is that, please, sir?

A Two years ago in 1974 I ran for the State Senate, District 33, to the Alabama Legislature.

Q Real briefly, how would you describe who you ran against and was there a runoff?

A There were four people in the race in 1974, Mr.

Henry Rembert, Mr. Black, Mr. Perloff and myself.

During the first primary, we received the second highest number, and Mr. Perloff received the highest number, and there was a runoff in which Mr. Perloff obtained approximately three hundred votes more than we did.

Q All right. Let's focus on that race. Have you been active in any other political campaigns in Mobile County?

A Yes, sir.

Q Which ones?

A Four years ago in the City Council race in which Langan was a candidate for the City Council. We were active in that campaign, working on his staff and we worked the four years ago in this election.

Q That is in Prichard?

A Yes, sir.

Q Mr. Buskey, give me your attention to the 1974 race against Mr. Perloff? Mr. Perloff is white; is that correct?

A Yes, sir.

Q What can you tell us about the racial composition of the Senate, District 33, please?

A I believe the composition is fifty-five percent black and forty-five percent white.

Q What is the population of the registered voters; would you have any idea?

A That should be registered voters, about fifty-three

percent registered voters, who are black. Almost fifty-fifty, but I think it is tilted slightly in favor of black registered voters.

Q Okay. To what extent do you think your race is an issue in that or was that a factor in that campaign?

A I believe very strongly that race was a dominant factor and the outcome of the election was determined on race. During the first primary, when there was four of us, two blacks and two whites, there were not to my knowledge any racial campaigning.

When the runoff occurred, when I faced Mr. Perloff, who is white, I believe very strongly that the race was decided primarily on race. I say that based on information that I saw and heard and received; primarily the distribution of race oriented literature by the campaign workers or the staff of Mr. Perloff in the second runoff.

This campaign literature exhibited me on the front page as the person who will represent the district if he was not elected and this campaign literature was passed out wholly in the white section of District 33, primarily Chickasaw and Whistler.

Q That literature wasn't distributed in the black areas?

A No, sir, it was not.

Q Are the black and white areas fairly well dependent

in Senate District 33?

A Yes, sir, they are.

Q How did you conduct your campaign in Senate District 33? Did you campaign only in the black community? Did you try to solicit votes in the white community?

A We canvassed approximately eighty percent of the district. We went door to door talking about our candidacy and talking to the people. The areas that are heavily populated, we canvassed all of that and that included both black and white communities.

Q In terms of your campaign in the black community, were you able to address any particular issues that were of concern to the black citizens and, if so, what were they? How would you identify those issues?

A One of the overriding issues that we found was a lack of jobs that the citizens of the black community expressed. Another one was an occasion they did not feel that they were getting fair police protection.

As a matter of fact, allegations of police brutality were even made and, in certain areas, particularly in the Trinity Gardens area, two years ago they had no adequate sewage and drainage system. A number of common problems like this was expressed to us and we, of course, tried to address to that.

Q Approximately how much did you spend on the campaign

in Senate District 33, Mr. Buskey?

A We spent approximately thirty-five hundred dollars.

Q Did you use any television coverage?

A No, sir.

Q Did your campaign include voter registration drives, as such?

A Not the voter registration drives in terms of our concentrating on registering voters. We encouraged people that were not registered to register and vote hopefully for us.

Q Very briefly, let's look at your House District 99 race. Would you describe your opposition and how that election proceeded?

A In the House District 99 race, there were seven in the race. Two withdrew, white persons. All of the contestants were black. We received the highest number of votes. It was not a majority in the first primary, and our runoff was with Mr. Abe Flannigan, and we were successful in receiving the highest number of votes in the second runoff.

Q And then you had a general election?

A Yes, sir.

Q Against Republican opposition this August 31?

A That is correct.

Q How many votes did the Republican candidate get August 31st, Mr. Buskey?

A Approximately a hundred or maybe a hundred and five, ten, or fifteen. A little more than -- between a hundred and ten and a hundred and fifteen.

Q Okay. Mr. Buskey, was the House District 99 a hotly contested race, or was there a lot of campaigning in the district?

A Yes, sir. Let me describe it not a hotly contested race, but a very interesting contest between the participants.

We had five people that were actively campaigning hoping to get elected, and those five persons, in my judgement, created more interest in an election than anything I have seen in a long time, particularly in the black neighborhood. There was five well known people in that election and the reception and the turn-out of the voters was somewhat surprising, and it was a very nice one.

Q Did you receive the endorsement of the Non-Partisan Voters League in your race against Mr. Perloff?

A Yes, sir.

Q Did you receive the endorsement of the Non-Partisan Voters League in your race for House District 99?

A No, sir.

Q Do you know who received it in that election?

A Yes, sir, Mr. Flannigan did.

Q Does House District 99 include the Davis Avenue area?

A A very small portion of Davis Avenue, from Live Oak Street back to Three Mile Creek. The majority of Davis Avenue is not in 99.

Q House District 99 is in the City of Mobile, isn't it?

A Yes, sir.

Q In your experience in those two races, do you think the Non-Partisan Voters League endorsement is able to deliver or to assure a substantial or overwhelming vote for its selection in the black community?

A It is my belief that no endorsing group can assure or deliver votes. They can help substantially in swaying people to that particular endorsement, but, in terms of assurance, I don't believe that any endorsing group can do that.

Q Are you a member of the Non-Partisan Voters League?

A Yes, sir, I am.

Q Mr. Flannigan is also; is that correct?

A Yes, sir. I might indicate that I have been a member since the second primary.

Q Was your race against Mr. Perloff in 1974 the first time you ran for political office?

A Yes, sir.

Q Have you ever considered running for either the Mobile County Commission or the Mobile School Board?

A No, sir.

Q Do you think a black person running at large for either of those bodies would stand a good -- what kind of chance do you think a black person running at large would stand running against credible white opposition?

A A black person running at large in a race in the city and county of Mobile would not stand as good a chance in my judgement of winning an election.

Q Would you run?

A No, sir.

MR. MENEFEE:

No further questions, Your Honor.

CROSS EXAMINATION

BY MR. WOOD:

Q Representative Buskey, in your race with Mr. Perloff, he had been in the legislature for eight years, hadn't he?

A Yes, sir. He had served in the legislature prior.

Q And he had run several county wide campaigns, hadn't he, prior to that race?

A That is correct.

Q Now, I believe you testified that racial campaigning was conducted in the primary runoff; didn't you say that?

A Yes, sir.

Q Now, you are not saying that Mr. Perloff did it, are you?

Q And Mr. Perloff campaigned mostly in the white area and you campaigned in the black area?

A No, sir. We canvassed approximately eighty percent of the district and that included both black and white areas.

Q Didn't that vote in that particular race break down generally along racial lines?

A Yes, sir.

Q You got a majority of the black vote, a vast majority, and Mr. Perloff got a majority of the white votes?

A Yes, sir.

Q And the whites out voted the blacks in that particular senatorial district, isn't that what happened?

A Yes, those are the facts, in terms of the voting that occurred two years ago.

Q And it was a close race and Mr. Perloff just nosed you out, isn't that correct?

A Yes, sir.

Q And you contested that election before the Democratic Executive Committee?

A Yes, sir.

Q And then in court, isn't that correct?

A We filed a challenge contesting the election before the Democratic Executive Committee. We never received a hearing in court. So, we did have a -- secretary to go into court to have a ruling, but we did not have a hearing.

Q All right. By the way, in your discussions about your race for the House District 99, Abe Flannigan is a member -- a longstanding member of the Non-Partisan Voters League, wasn't he?

A He said he was.

Q And you just got in, didn't you?

A Yes, sir.

Q Wouldn't you say that the election endorsement was followed by the black community pretty much up until the death of John LeFlore?

A Yes, sir. I would say that is correct.

Q And he died in December of '75, didn't he?

A Yes, sir. I had it January.

Q Well, maybe you are right, January of this year or December of '75?

A Yes, sir.

Q And up until that point of time, the election endorsement has been extremely effective, hasn't it?

A Up until that time. Well, really, if you will go back two years, when John officially entered politics, the election endorsement had been effective. I think that two years ago when Mr. LeFlore sought the House District 99 seat, I am sure his concentration was on getting elected more so than trying to get the voters out or seeing that the endorsement of the league was adhered to. So, prior to two years

ago, I would say that the Non-Partisan Voters League was very effective in getting out the votes and swaying the voters.

Q Wouldn't you say that ward ten, and whatever it is called now, that area has generally followed the election endorsement for many, many years?

A Yes, sir.

Q Isn't that correct?

A Yes, sir.

Q By the way, I believe in the City trial you testified that Mr. Langan and one of the county commissioners had been extremely fair to blacks, you thought?

A Yes, sir, in my judgement.

Q And that other County Commissioner was who?

A Commissioner Coy Smith.

Q Yes, sir. Now, did you testify that there was a lot of interest in the race out there in House District 99?

A Yes, sir.

Q Approximately how many people lived in a House District?

A Approximately thirty thousand, roughly thirty thousand, maybe thirty-one or thirty-two thousand.

Q Thirty-one or thirty-two thousand? So, approximately, how many people live in House District 99 and how many people turned out to vote in the Democratic Primary in House District 99? An all black race?

A I recall about forty-three or forty-four hundred.

A Yes, sir.

Q I want to ask you this. You made the statement that a negro or black would not stand as good a chance against a white in a school board County Commission race. Do you remember saying that?

A Yes, sir.

Q Are you familiar with Mrs. Gill's race against Dan Alexander?

A Yes, sir, I am.

Q She lead the ticket in the primary, didn't she?

A No, sir, not to my recollection.

Q Didn't she get in the runoff?

A She was in the runoff.

Q She ran a credible race?

A Yes,sir.

Q And got many many votes in the white community?

A I am not sure of that.

Q She eliminated five whites in the first primary, didn't she?

A You see, in an at large election with one black running and that black is a credible black person with a good reputation and you have a number of whites, a black can always, if he is a credible black, can get into the runoff. But, now, a person does not get elected by getting into the runoff.

Q No, but they have more than a goose of a chance,

don't they?

A Of being elected? They don't have a goose of a chance of getting elected. They can get into the runoff.

MR. WOOD:

That is all.

MR. PHILIPS:

I have no questions, Your Honor.

MR. BLACKSHER:

No further questions.

THE COURT:

All right. Whom will you have next?

MR. MENEFEE:

David Lee.

DAVID A. LEE

the witness, after having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. MENEFEE:

This is Mr. David A. Lee. He is age thirty-eight. He lives at Route 2, Box 994 in Daphne. He is married and has five children and he finished high school in Mobile and at the Allen Institution, and received a Bachelor's Degree from the University of South Alabama.

I think it is relevant and also we don't have a chance -- I don't know about its accuracy or authenticity.

MR. PHILIPS:

We object, also, on the same ground, Your Honor.

THE COURT:

I will let it in.

(Plaintiff's Exhibits 1, 95, and 93 were received and marked, in evidence.)

MR. STILL:

Your Honor, I don't believe they objected to the authenticity of that in the document exchange, but, as I say, it was prepared by the Mobile Regional Planning Commission.

THE COURT:

It is in. All right. Whom will you have next?

JOSEPH N. LANGAN

the witness, having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. BLACKSHER:

May it please the Court, this is Mr. Joseph N. Langan He is sixty-four years old. At least He was right before the City trial. 267 Houston Street is his address. He has been

a resident of Mobile for his entire life. He is presently a practicing attorney here in Mobile.

Is that correct, Mr. Langan?

A Yes.

Q Mr. Langan, you were also -- you had been elected to the Alabama House of Representatives from 1939 to 1943. You were State Senator from 1947 to 1951. You were City Commissioner from 1953 through 1969. Is that correct, sir?

A Yes, sir.

Q At one point in the years 1950 and 1951, you were appointed to the City Commission?

A Yes, sir.

Q Would you, just briefly, tell us what those circumstances were of appointment?

A A County Commissioner was elected City Commissioner and I was appointed to fill out the rest of his term.

THE COURT:

What year was that?

A 1949 and 1950.

MR. BLACKSHER:

Q In total, you have once won an election to the House of Representatives, once to the Senate of Alabama, and four times to the City Commission; is that correct, sir?

A Yes, sir.

Q You were defeated in 1951 by Mr. Johnston, Mr. Tom

Johnston, in an election for the Alabama Senate; is that correct?

A Yes, sir.

THE COURT:

What happened to you in 1943?

A I was in the war.

THE COURT:

A politician with a gap in his years, that is unusual, unless he gets beat.

Go ahead.

MR. BLACKSHER:

I think you have the rank of general in the Army Reserves?

A Yes, sir.

Q In 1969, you were defeated a second time. This was by Mr. Bailey in a runoff for the City Commission -- not the City election?

A Yes, sir.

Q And in 1972, you were defeated in a runoff for County Commissioner by -- or in the Democratic Primary runoff, by Mr. McConnell?

A That is correct.

Q Going back to the first defeat that you suffered in 1951 to Mr. Johnston, do you attribute your loss to that election in any way to the factor of race?

A Well, I think that was one of the elements involved in that election, very definitely.

Q Would you explain why you have reached that conclusion?

A Well, there has been legislation before the Alabama Legislature, just prior to that election, in which I took some stands, regarding the Boswell Amendment and several other matters, which did not inure to my benefit from a racial standpoint in the next election.

Q Was there active discussion of your stand against the Boswell Amendment in that campaign?

A Yes, sir, by some of the campaigners and advertising.

Q Did you learn any lessons from that campaign concerning how to handle the race issue in the Mobile County election or City election?

A Well, not particularly, other than, as I say, I learned it was pretty difficult to take a stand in favor of black people in the community and get elected to office, because there had been several other things, including my criticism of the bus company for their treatment of the black people, and several other things that had come up, at that time.

Q In your campaign for the County Commission in 1972 in which you were defeated in the runoff by Mr. McConnell, was race a factor in that campaign?

A In the runoff it was used considerably due to the fact that I had gained a large plurality of the votes in the

black wards in the community and this was made a part of the advertising campaign in the runoff.

Q Well, you were endorsed by the Non-Partisan Voters League in the primary election; is that correct?

A Yes, sir.

Q And you received a substantial share of the black votes in the primary?

A That is right.

Q And your opponent, Mr. McConnell, used that against you in the runoff?

A Yes, sir.

Q Will the Clerk show the witness Exhibit 63, please -- Plaintiff's Exhibit 63.

This Exhibit is a group of newspaper advertisements and flyers from campaigns in the past. Mr. Langan, would you look at page four?

A Yes, sir.

Q Could you tell us if that advertisement concerns one of your campaigns and which one?

A Well, this is page four. This is not -- I don't believe this is an advertisement. This looks like a news article.

Q I don't have a copy in front of me, but I know it concerns your campaigns in some way.

A Well, yes. In other words, it was an ad run on Sunday,

line is missing. In other words, it doesn't have the statement as to who published it, but it does have Mr. McConnell's picture there and it states that he is speaking on issues. So evidently it was his ad.

Q In your opinion, Mr. Langan,was the block vote issue a substantial reason for your defeat in that 1972 primary runoff?

A Yes, sir. I think so. As I say, these number of advertisements, plus a number of other tear sheets that were distributed were all used in the basis of the campaign as a racial issue.

Q In the 1969 campaign against Joe Bailey for the City Commission, was race a factor in that campaign?

A Yes, sir.

Q Would you say that race and the race issue was a substantial reason for your defeat in that election?

A Yes. I would say it played a very important role both actively and inactively due to the fact of the lack of the turnout of the black voters for the election and, of course, the use by my opponent and his supporters of the racial support that I had received in the past in wards which have a large majority of white voters in them.

Q That was the election where black and white voter turnouts were held down by Hurricane Camille coming through the day before?

A Yes. There was about twenty-five percent less votes cast then than what had been cast in the City election the four years previous to that.

Q And the black turn out was also held down by a boycott caused by competing groups within the black political groups within the black community?

A Yes.

Q Mr. Langan, you have always been identified in your political career here in Mobile County as being a person who tried to be fair with the black community; isn't that correct?

A Well, since I have been in public office, yes. In my first campaign, it wasn't an issue due to the fact that there hadn't been any particular stand on the question back that far before World War II. In 1939, I don't think race entered into the campaign at that time.

Q There wasn't that many black voters, at that time?

A No, sir.

Q Do you have any idea how many registered black voters there were in Mobile in the first half of the sixties before the voting rights act was enacted?

A Well, there were very few. I wouldn't know exactly how many, but there were just a very small handful of voters in Mobile back before 1940.

Q But, to the extent that blacks were able to mount any kind of cohesive voting strength in any of these campaigns,

it was generally understood that they favored your election in most of these campaigns; isn't that correct?

A Yes, sir.

Q Could you tell us how, in spite of the open knowledge of the black communities support for you, you were able to be elected to the City Commission for at least four terms?

A Well, of course, because of varying factors. It was a natural turnover situation when I first ran. I mean, there was, over a period of years, my opponent had built up opposition to him and I received a pretty good against vote, and also there was -- my activity in Veteran's affairs and National Guard and other things, I think, attributed toward my campaign. So, there was just various factors involved in it.

Q To what extent was race an issue in your campaign for the City Commission during the period 1952 through 1965?

A Well, it was made an issue practically each time. Sometimes, in fact, the head of the Klu Klux Klan ran against me at one time and several other racial groups brought the question up in the campaign.

Q But, during that period of time, the size of the black electorate was not substantial enough to be the threat that it was in the latter half of the 1960's, was it?

A No, they had continually mounted campaigns to register voters and, as a matter of fact, the City of Mobile had attributed to it because the City Commissioners had required that

all City employees, in order to work for the City, had to be qualified voters. So, there were a number -- a large number of blacks that work for the City and they all had to become qualified voters. As I say, the continuing programs that were put on by the N.A.A.C.P. -- well, actually, the Non-Partisan Voters League and various other church groups and others that put on voting registration campaigns, they had built up a continual increase in the number of voters that qualified.

Q Were you opposed for re-election in 1965?

A Yes. I never ran. I didn't have opposition.

Q By whom, sir?

A Sixty-five -- let's see. There was Joe Bailey and there was a lady candidate and Mr. Hamrick. I think there was about five in that race against me.

Q What percentage of the vote did you get in that election?

A Almost half on the first race. In other words, I almost defeated all five of them in the first race. I was a few hundred votes short of a majority on the first race.

Q There was a runoff?

A There was a runoff between Joe Bailey and myself.

Q What was your margin of victory in the runoff?

A A little over three. Around three thousand votes.

Q Mr. Langan, in your opinion, could a black candidate running at large in Mobile County win an election either to the County Commission or to the Mobile School Board?

A I do not believe so.

Q Let me ask you a question about the inner relationship between the County government and the City government in Mobile since you are a bona fide expert on that subject.

A The relationship?

Q Specifically, what responsibility does the Mobile County Commission have for municipal services in the City of Mobile, such as street paving and drainage and so forth?

A Well, the County Commissioners practically always disavow any responsibility for any work in the City of Mobile. It was only through threatening to go out and fight against their bond issue I was able to finally get them in 1960 to include forty percent of the money for paving and other works to be done in the City of Mobile.

Q My point is, it is true, isn't it, that the City of Mobile is part of Mobile County?

A Yes, basically, under the law, and morally, and every other way. That is, the County Commissioners are or have a responsibility for the entire County including the City. As a matter of fact, at one of the public meetings, when I first started arguing with the County on that question, I had them get up and state they were just County Commissioners and inferred they had no responsibility. But, during the sixties, this did change, and we did get them to co-operate with the City on Airport Boulevard and several other major traffic

MR. BLACKSHER:

If you will, flip through there and look at Mr. Bailey's ad he ran on school issues saying that he would be opposed to busing, that he would support neighborhood schools, and he was running for the City Commission. I notice the same thing in some of the ads for candidates for the County Commission.

If they have no responsibility for the schools, why are they campaign issues?

A Well, because they thought it was a good issue.

MR. BLACKSHER:

That is all.

THE COURT:

Anything from anybody else?

MR. WOOD:

No, sir.

THE COURT:

I don't want to see y'all again.

(RECESS)

It is nine-thirty now.

MR. BLACKSHER:

Mr. Alexander was suppose to be here at nine.

THE COURT:

Those are your only two witnesses?

MR. BLACKSHER:

Yes, sir.

THE COURT:

Well, I will tell you what we can do, at this time. The Court takes judicial notice of its own record, but I would like for -- I don't want to encumber the record with all of it, but I would certainly like for the docket sheet, and the appeals, and the decrees and orders of the Court in the Birdie Mae Davis case to be part of this.

MR. BLACKSHER:

Just the docket sheet?

THE COURT:

Well, to keep them from being an encumbrancy.

MR. BLACKSHER:

That is about a ten filing cabinet case.

THE COURT:

All I want is the docket sheet to indicate to any reviewing Court those things that they might want to look at, and to indicate that I have availed myself of that, of any of the orders and decrees and appeals and so forth of that.

No, not the whole files, but the docket sheet shouldn't be nearly that much. I will just put it this way in the record. The docket sheet and any findings of fact; I will indicate specifically those things that were particularly taken notice of.

MR. BLACKSHER:

I think the docket sheet is probably thirty pages long.

THE COURT:

Well, you introduced books and thirty pages is nothing.

MR. BLACKSHER:

Well, I was thinking Your Honor would have a chore on your hands, and I think the lawyers will testify that it is difficult to deal with. There have been fourteen or fifteen appeals to the Fifth Circuit and two appeals to the Supreme Court.

THE COURT:

I think the history of that case has a bearing on this case.

MR. BLACKSHER:

Well, we do too, yes, sir.

Your Honor, with respect to Mr. Alexander, we are not going to ask the Court to wait. If necessary, we would waive our right to call Mr. Alexander. I believe we are entitled to have Mr. Alexander.

matters pertaining to the school board and the allegations they have made in their pleadings concerning their role in this whole scenario.

MR. WOOD:

So, if and when he shows up, you will rest after that; is that correct?

MR. BLACKSHER:

Yes.

THE COURT:

All right.

JOHN H. FRIEND

the witness, having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. WOOD:

Your Honor, this is John H. Friend, sometimes called Jack Friend. He is age forty-seven. He lives at 608 Fairfax Road in the City of Mobile, Alabama.

He is married and has three children. Is that correct, Mr. Friend?

A That is correct.

Q You are president of John H. Friend, Incorporated;

what is that, sir?

A John H. Friend, Incorporated is an economic and market research firm here in Mobile.

Q How long have you been engaged in that business?

A Since 1962.

Q What do you do in that business?

A We perform economic feasibility studies and market research studies and also attitude and opinion surveys.

Q Do you have a college degree, and would you tell us about your college degree?

A I have a B.S. Degree in Civil engineering, and I have a Master's of Business Administration.

Q Where is your Master's of Business Administration from?

A From Dartmouth.

Q Now, where did you work after you got out of Dartmouth?

A My first employment was with the United States Army. Then, I went to work for Palmer and Baker Engineers here in Mobile.

Q What was your position there?

A I was chief economist.

Q When did you go in business for yourself?

A In the very last months of 1961.

Q Would you tell us some of the studies that you h

DAN ALEXANDER

the witness, having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. BLACKSHER:

Q Give us your name and address.

A Dan Alexander; 3667 Claridge Road, North.

Q Were you born and raised in Mobile, Mr. Alexander?

A Yes, sir.

Q Would you give us briefly a background of your involvement in politics in Mobile County?

A Well, I think that probably the first -- my first involvement was in a minimal way in the '62 Congressional race. Then, I was more fully involved in '64 in a Congressional race, and I ran for the office the first time, myself, in '66, for the County Democratic Executive Committee and, in '68, I ran for a delegate to the Democratic National Convention.

In 1970, I ran for the State Legislature and for the State and County Democratic Executive Committee. In 1974, I ran for the school board.

Q And you are presently a commissioner for the Mobile County School system?

A Yes, sir.

Q What was your involvement in those two early sixties Congressional elections?

A '62, general flunky, and '64, a little more involvement. That was the Tyson race. That was the John Tyson race for Congress.

Q And you were active in his campaign?

A Yes, sir.

Q In which of those races that you mentioned were you defeated in which you were an active candidate?

A Well, I won all of them except for the legislative race in 1970 and I won the Democratic National Convention and the two seats for the State and County committees. Then, I lost in the general election for the legislature.

Q Mr. Alexander, do you consider yourself as a person who is reasonably familiar with politics in Mobile County?

A I would think so, yes, sir.

Q Have you made the statement in this Court before and on the public record in school board meetings that, in your opinion, a black candidate could not win an election running at large in Mobile County?

A That is correct.

Q Most recently -- not most recently, but at the September 1, 1976 meeting of the school commissioners -- I believe that date is correct. That would have been two

Wednesdays past -- did you, in fact, at that time, reiterate your position that a black could not be elected in a county wide race, at large?

A Mr. Blacksher, I know I have said on a number of occasions that, in my opinion, a black could not be elected at this time on a county wide basis.

Q Have any of the other school commissioners agreed with that position on the record?

A I would say that they would generally agree with that, yes, sir.

Q With respect to your Democratic Primary runoff against Mrs. Lonia Gill in 1974.....

A Yes, sir.

Q ..... have you not also said that Mrs. Gill lost the race when you signed your qualification paper as a white candidate?

A I think that was Mr. Voyles that said that, not me, Mr. Blacksher.

Q Would you disagree with what Mr. Voyles said, or Dr. Voyles?

A I would say this, that I would suspect, out of the six people in the race, I would have preferred to run it off against her rather than anybody else.

Q At the start of this trial, Mr. Alexander, your lawyer, Mr. Philips, filed several pleadings and motions, one

of which was a motion to stay pending appeal, a motion to dismiss, and/or sever and those motions were filed at your direction; is that correct?

A Well, they were filed at the board's direction. The board was acting upon my request.

Q All right, sir. You made the motion that these papers be filed?

A Yes, sir.

Q All right. On page three of the motion to stay pending appeal, you are referring to the Act number eleven fifty, passed in the 1975 Alabama Legislature, which had been sponsored by Mr. Kennedy?

A Yes, sir.

Q And you say that passage of this act by the legislature was procurred by Mr. Kennedy with the co-operation of these Defendants.

Now, would you describe more specifically how you rendered co-operation in the 1975 legislature in support of Mr. Kennedy's bill?

A Of course, I can only speak for myself. I do recall, during the period of that legislative session in 1975, that there had been some conversations at the board, at the school board, about the legislation and no one was opposed to it. I don't know of any particular action the other board members might have taken to support it, so I can only speak

for myself.

The first knowledge I had of a pending deal was, I think, just prior to that legislative session in 1975. Mr. Kennedy sent me a copy of his proposed legislation and asked that I give him a call and tell him what I thought about it. I called him and told him that I was not opposed to it, but in its present form, which didn't include a grandfather clause, I would be opposed. I wouldn't help him pass a bill to cut my term of office short or anybody else's.

Q You mean the original form?

A The original form he sent me did not include a grandfather clause. It would have called for an immediate election and I was opposed to that. He has subsequently amended the bill to where all the present board members would be able to run. It passed out of the local committee --let me backtrack one minute.

It came out of the local committee without that amendment with a favorable report with the assumption that it would be amended on the house floor to allow everybody to run for office that was presently on the board. There was a plan that had been drafted by the legislative reference service that would have made a ten member board. One member elected from each of the House districts and that was the amendment that they were going to offer on the House floor.

Of course, I was opposed to that and I made a number

of contacts in the delegation asking that that be defeated.

Q You, in fact, went to Montgomery to discuss this?

A Well, I had other business in Montgomery during this entire period. I did not go up for this specific purpose. But, the only reason for making it a ten member board was to allow all of the present board members to run again, and I showed them a plan that would allow the present board members to run again and still have the five member district that Mr. Kennedy introduced and would assure a black member. We were able to accomplish what the legislative delegation wanted to do without increasing it to ten members.

The plan that originally passed in the House included District two and District three -- now, I am talking about, I think everybody is familiar with the districts on the Kennedy bill -- District two and three would have run in 1976 for a four year term. District two would be the predominantly black district. District three would have been the district that Mr. Williams and Dr. Berger lived in. So, it would have allowed them to run for office again. In '76, District four would have run for a two year term. In 1980, all five districts would have been run again.

Q Are you talking about the bill that was finally enacted?

A No, sir. That was the way the bill came out of the House.

Q All right. I am with you.

A Sometime -- it was the last day of the legislative session, I had occasion to talk to Senator Newman in the Senate cloak room and he told me, or showed me, the Senate amendment to that bill which had, somewhere along the line, changed the black district, District two, to run in 1980. I told him, at that time, that that was not the original intent that I had agreed and we had all agreed with Mr. Kennedy to try to get a black member on in '76. I went to Mr. Kennedy and we came back to Senator Newman and we thought it was going to be changed back, but it never was.

It came out of the Senate with its latter form with District two running in 1980. I do not know exactly how it happened that way, but I know that everybody in the delegation that I talked to had supported a five member district with District two running in 1976.

Q And it was finally enacted with which districts coming up in '76?

A District one and three would come up in '76, as I recall.

Q It might have been three and four?

A It could have been three and four. I know Senator Perloff, at one time, was trying to get District one in there in '76.

THE COURT:

Did that plan add any permanent members to the board temporarily?

A No, sir. It would have ended up in 1980 when everybody ran again for a four year term, it would have done away with the scattered terms.

MR. BLACKSHER:

While the Kennedy bill was being debated, did you express any terms of its being in violation of the United States Constitution on the one man-one vote requirements?

A No, sir. At that time, I thought the districts as drawn would pass the mustard. I had no idea there was a deviation that was probably not acceptable.

Q Did you, at that time, express an objection or notify anybody that in your opinion the bill which was introduced as a local bill was being improperly advertised?

A I had no knowledge of that. I, of course, was relying on Representative Kennedy. I just assumed when he introduced the bill that it was introduced properly, advertised properly, and the lines had been drawn in a way that would be constitutional.

Q Did you, at that time, interject the opinion or make any objections that the Mobile County Board of School Commissioners could not be reorganized without some sort of amendment to the Constitution of Alabama?

A You obviously have reference to section 270 of the

Alabama Constitution which we have had a number of arguments about as to whether or not the legislature has any control over our school board.

Q This point was never raised to any knowledge during this matter in the 1975 legislature.

A The point being, the board was in agreement. The board was in agreement with the legislature and if the legislature, in fact, could not act under 270 to redistrict us, then obviously the school board could accomplish that themselves and, since we were in agreement with the legislation, I see this to hold no problem.

Q Did, at that time, you indicate that, in your opinion, the bill would be in violation of Section 104 or Section 106 of the Constitution of Alabama?

A I am not sure that I am familiar with those two sections.

Q You do have a copy of the bill, I take it?

A Yes, sir.

Q And you did follow the amendments as they took place?

A As well as I could. They were flying around rather quickly up there.

Q And you interposed no objection whatsoever, at that time, that the bill violated the Constitution of Alabama?

A No, sir. The only opposition that I had ever had

once the bill was introduced after the grandfather clause had been put in was to the proposition of the ten member board. That was the only opposition that I ever voiced.

Q Now, in fact, you filed a pleading in this Court, reading again from page three of the Motion to Stay Pending Appeal, that says, that these Defendants were satisfied that a board composed of five members elected from single member districts would satisfy every constitutional requirement and would provide for equitable representation on the board for the black citizens of Mobile County and the rural areas of Mobile County in whose behalf this action was brought; is that correct?

A As I recall, as soon as the bill had been signed into law, we asked to be stricken from this action in this Court because we felt like it was a mute question, at that time.

Q Did the Plaintiffs in this action interpose any objection to that?

A Not to my knowledge. As a matter of fact, it was my understanding that they had imposed no objection to us being stricken from the cause.

Q Did any of the Plaintiffs in this action or their lawyers indicate to you that their objection was based on an opinion that the Kennedy bill was in compliance with the Constitution of the United States?

A I am not real sure I understand you.

THE COURT:

Did it raise any constitutional objection with reference to the United States Constitution to the Kennedy bill?

A The only question I heard raised to the bill came from our in-House counsel, Mr. Stone, sometime subsequent to this Court's striking us from the action.

Q Before we get to that, Mr. Alexander, I will read from paragraph four, again, from the same motion. It says, "Following passage of Act 1150, the Plaintiffs, themselves, then moved this Court to dismiss the Defendants from this cause in essence --" apparently because it said 1150 provided a constitutional system of electing the school board. My question to you, did you get any indication from any of us or our clients that we thought 1150 was a constitutional system of electing?

A I had no contact with any of y'all at all.

Q Thank you. Now, concerning what Mr. Stone told you, when was the first occasion after this bill was enacted that you had some indication that there was something wrong with it?

A I don't remember the exact time frame. I do recall that we got a memo that had -- it was two-fold. It questioned the Constitutionality of the Kennedy bill on a number of points and it also questioned the constitutionality of a tax -- of a

bill that was passed that dealt with some taxes.

THE COURT:

Let me see counsel up here just a minute, will you?

(SIDE BAR CONFERENCE)

(OFF THE RECORD)

THE COURT:

I am going to allow the Plaintiffs to recall Mr. Alexander at a later time.

MR. BLACKSHER:

Your Honor, the Plaintiffs, at this time, conditionally raise their case in chief.

THE COURT:

Yes. Come up here and let me put a little something in the record.

(SIDE BAR CONFERENCE)

THE COURT:

There are settlement negotiations which hopefully will bear fruit between the Plaintiffs and the school board commissioners. Some areas of the questioning of the school board commissioner could get into rubbing some nerves raw with him and with maybe fellow members of the school board. Some areas or the questioning lead to the questioning of the attorneys' fees which have no bearing on the case and the Court will have a separate hearing for that but, in any event, it is agreed between counsel that it would be best to delay

any further questioning of Mr. Alexander or cross examination until they see whether or not the pending negotiations bear any fruit.

Charlie, you haven't been in there, but needless to say, this is real confidential.

We will call him back later.

(IN OPEN COURT)

MR. WOOD:

Your Honor, are the visual slides any help to the Court?

THE COURT:

They are. I agree with you. I was using this, but it might be easier for him to testify with those large things. You may proceed either way.

MR. WOOD:

All right, sir. We will continue on with the slides.

JOHN H. FRIEND

the witness, having been sworn earlier, took the stand again and testified as follows:

CONTINUED DIRECT EXAMINATION

BY MR. WOOD:

Q Now, Mr. Friend, I think we were turning our attention to page sixteen and I would ask you if you had done some

A Yes.

Q And he also got the most votes in the dominant black ward?

A Yes.

Q And then I noticed that you don't have the general election. Why is that?

A That would have been an uncontested race.

Q And Mr. Haas became the commissioner?

A Yes.

Q All right. In that same format, you followed that all the way through to the present day for County Commission election?

A To the 1976 primary runoff, the recent one, yes.

Q All right, sir. How many times have the dominant black wards voted for the candidate receiving the most votes?

A Since 1960, there have been twenty-seven races. In nineteen of those races, persons in the black wards, the dominant black wards, voted for a winner.

Q What significance, if any, do you place on that?

A Well, I think, first of all, that it is evidence that the black vote is significant in elections.

MR. STILL:

Objection, Your Honor. He is giving a political science opinion.

THE COURT:

'72 election?

A The 1972 Presidential election. In other words, the source for which the government compiles its figures.

THE COURT:

And your source is?

A The source is the United States Department of Commerce.

Now, 1972, according to my figures, in Mobile County, blacks were registered at sixty-two percent of the voting age population.

Q All right. What do you have for whites?

A Now, the whites in that same year in Mobile County were sixty-five percent.

Q All right. Now, what is your figure for the southern region?

A In the southern region in 1972 --

THE COURT:

Just a minute. This is Mobile?

A Mobile County, Your Honor. In the southern region in 1972, blacks were registered sixty-four percent.

THE COURT:

That is the voter age population?

A Yes, Your Honor.

MR. WOOD:

Do you have a figure for the whites?

A Whites were registered seventy percent.

Q Do you have a national average?

A Yes.

Q National figure?

A In the entire nation in the 1972 Presidential election, the general election, at that time, blacks throughout the nation were registered sixty-five percent.

Q How about whites?

A Whites were registered seventy-three percent.

MR. BLACKSHER:

Your Honor, for clarification, the Mobile County figures were not the Department of Commerce, were they?

A No.

THE COURT:

Where did those figures come from?

A Those were my estimates, Your Honor.

MR. WOOD:

Mr. Friend, do you know how many blacks, total population, reside in the Mount Vernon census tract that we had some discussion about?

A I don't have that figure right at my fingertips. I do have it in my data, the total number of blacks. I can dig that out.

Q Do you know whether or not the inmates of Searcy are included in those population figures?

county.

Q So, we should multiply, you say, multiply one three nine six times three; is that correct?

THE COURT:

Well, you are not taking into consideration the black voter. You are just talking about the black population, aren't you?

A No, the black voter, too. In other words, if there were "x" number of votes in the dominant black wards and the dominant black wards contained thirty-three percent of the total population, you could roughly expand that to expand the total black population, assuming they were voting the same way in the total population as they were in the wards.

Q That is based on the assumption that the people out in the county vote, first of all, exactly the same way as the people in the central city and, secondly, on the same level; isn't it?

A It's assumes that the people -- that the blacks generally vote the same way whether they are in the county or the city. Now, there is some difference, I would think, between black turn out in the county and in the city, but I don't think it would be appreciable.

Q So, if we accept all of those assumptions, what do you say the answer is?

A I am saying that the blacks are very definitely

acting as a pivotal vote in many county elections.

THE COURT:

We were talking about Stephens. You say if the vote had been reversed, his opponent, for what Stephens got, Stephens would have lost?

A Yes.

MR. STILL:

But you don't have any hard statistics. You just have this extrapulation in made in 1960, right?

MR. WOOD:

Your Honor, I object to him arguing with the witness.

THE COURT:

Well, I understand the basis that he has put it on. Go ahead.

A Yes.

MR. STILL:

What other races do you say blacks were a pivotal vote or made the difference, whatevever you want to call it?

A I think in the 1960 primary runoff place one, Haas and Hailey.

THE COURT:

1960 what?

A Primary runoff. We don't have the other man's name.

MR. STILL:

Haas's margin of victory was ninety-nine hundred

particular race. Then, in -- then, probably in the 1972 primary, I think that the Langan-McConnell race would have shifted around. The actual vote Mr. Langan got was about sixteen thousand. Mr. McConnell got almost fourteen thousand. Where you have close races, this becomes a very distinct possibility.

I think in the 1972 general election there between Smith and Waller, place two, it probably would have switched. Then, in the 1976 primary between Wiley and Bridges, I think it would have changed it there had they shifted. In the 1976 primary runoff between Wiley and Bridges, I think it would have changed it again.

The vote for Mr. Wiley in that election, as you recall, was twenty thousand three hundred and forty-seven and, for Mr. Bridges, it was twenty thousand fifty-three. It wouldn't take an awfully lot there to change that vote, but it probably would have.

Q So, you are saying that some of the candidates who won would have lost if the blacks hadn't voted for them; is that right?

A What I am saying is that had the blacks reversed their voting pattern --

THE COURT:

Gave what vote they gave rather than the person they gave?

A Yes, the two top men, it would have changed it. This comes as no great surprise to me. In my experience, I have found that this is something that candidates are very much aware of in the Mobile area; that the black vote counts.

MR. STILL:

By reversing the votes, you mean, if a candidate got seventy percent of the black --"A" -- and candidate "B" got thirty percent, by reversing that, give thirty percent to "A" and seventy percent to "B"?

A Yes. Turn it around and do it the other way.

Q How many times would the result of an election have been changed if the white vote had reversed themselves?

A This, I did not compute.

Q You did not compute it?

A No.

Q You weren't interested in that?

THE COURT:

Let's don't get into that.

MR. STILL:

Well, don't you think that --

THE COURT:

Each one of these witnesses, yourself included, took and did what the people hired told them to do.

Let's go ahead.

MR. STILL:

September 16, 1976 9:00 o'clock. A.M.

MEYER PERLOFF

the witness, having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. WOOD:

Q Are you Meyer Perloff, also called Mike Perloff, age forty-nine, married with three boys, live at 304 Garden Lane Apartments in Chickasaw -- or, Judge, this is Mr. Perloff. He is a practicing attorney in Mobile. He was a member of the Alabama House of Representatives from 1964 to 1974. He is a member of the Alabama State Senate, elected for a four year term in 1974, and he represents senate district thirty-three here in Mobile County; is that correct, Mr. Perloff?

A I am now fifty.

Q All right.

THE COURT:

That is a hard admission.

A It is the truth.

MR. WOOD:

Would you tell us briefly where Senate District

thirty-three is?

A Yes, sir. It runs from, oh, I guess, Springhill Avenue in Mobile to the northern most part, I think it is by, oh, Sarah Road in Saraland, Alabama. I mean, that is the north-south boundaries. East-west, oh, from the river to passed Eight Mile in the west.

Q How would you characterize the racial composition of that district in terms of population?

A You mean now or at the time of the election?

Q Well, at the time of the election?

A I think it was fifty-six percent black.

Q All right. As a single member Senate District, we are talking about in the 1974 election .....

A That is correct.

Q ..... did you use any racial campaigning in that -- let me ask you this first. Did you have a primary?

A Yes, sir.

Q Who were your opponents and give us their race, please.

A I had two black opponents, Mr. Buskey and Mr. Rembrandt, and one white, and that was Arnold Black.

Q Who made it to the runoff?

A Mr. Buskey and I.

Q Naturally, you won the runoff?

A Yes.

1001

at lunch.

Senator, let me show you Defendant's Exhibit number 10 for identification and ask you if that is a copy of that newspaper insert?

A Yes, sir.

Q Was this used in the runoff between you and Mr. Buskey?

A It was.

Q Would you explain to the court what a newspaper insert is?

A Well, it is an idea that, as in any political campaign, it is name identification, and they get people to recognize your name when you go into a voting booth. During the primary, I used direct mail to mail material to everybody in the district. As a matter of fact, I had two mailings. One was a labor tract. In other words, something directly to my having supported organized labor during my term in the House, and this was mailed to every labor member in the district.

Q Black and white?

A Yes. I had no idea who was black and who was white. It went to everybody and then I had a mailing to every householder in the district, black and white. I had no idea. It went to everybody. This direct mail was the single most expensive item in the primary. I learned after the primary that Douglas Johnston had used something similar to this in his

1005

had to get some black votes. They got me by twelve percent. It is only racy if I do it, not if he does it.

Q How many black votes either in total number of percentage did you get?

A I had to get at least ten or fifteen percent. I couldn't win without it.

Q During the campaign, was the issue or accusations or ever made that you were using race as an issue?

A Not to my knowledge, no. Now, I don't know what Buskey was doing.

Q Did anyone ever accuse you or come to you with complaints that you were using racial campaigning?

A No, sir.

MR. WOOD:

Your witness.

A I think if that had happened, I would have lost my black support.

CROSS EXAMINATION

BY MR. BLACKSHER:

Q Which amounted to twelve percent of the black vote, Mr. Perloff?

A I got more than that, sir. I won.

Q Mr. Perloff, did you say you got twelve percent of the black vote?

A No, sir. I said between ten and fifteen.

Q You now say between ten and fifteen percent?

A I said there were twelve percent more black than white votes in that district. It was fifty-six to forty-four, Mr. Blacksher.

THE COURT:

Was that population or registered voters?

A I don't know, sir.

THE COURT:

I understood you to say that the black population was that. What about the registered voters?

A I have no idea, Judge.

MR. BLACKSHER:

So, you considered, as a white candidate, getting between ten and fifteen percent of the black vote, a successful campaign?

A I won. That is a success.

THE COURT:

We are getting into an argument now. Let's go ahead.

MR. BLACKSHER:

All right. Do you know how much of the white vote Mr. Buskey got?

A No, but I can tell you, sir, I don't know about percentages, he got at least a hundred and ten votes in Chickasaw.

Q A hundred and ten votes?

A That is all white. That is in Chickasaw. That is out of nineteen hundred.

Q Would it surprise you if we told you that there were Exhibits in this Court that there were some blacks living in Chickasaw, census data?

A I will tell you this, Mr. Blacksher, none of them voted that day that I know of, because if they had, I would have heard about it.

Q You were checking to make sure that there were no blacks voting there?

A Don't be ridiculous. That would have been a subject of conversation.

THE COURT:

Don't get into that.

MR. BLACKSHER:

How can you be so sure?

A I was there in Chickasaw a considerable amount of the time that day.

Q That was the heart of your support, right?

A No, sir. My support was Eight Mile and Saraland.

Q Which is also all white?

A Saraland is not-

Q You didn't campaign in the black community?

A I beg to differ with you, son.

Q Tell me where you campaigned in the runoff.

A All right. Right there on -- not Celton Beach. There is a triangle that comes right there at the highway, and I have forgotten the name,-- for the life of me, I can't remember the name of the road. Right down there, I guess, a hundred and fifty to two hundred feet is a black nightclub, and I went in there and I spoke. The black owner of that nightclub --

Q Spoke to the black owner?

A Yes, sir. He is a community leader out there, you know.

Q Oh, I see.

A In order to get to the black votes.

Q So, in order to get to the black votes in Sarland -- in order to get to the black votes in Sarland, you went to see someone you considered to be a black leader to ask him to get out the black vote?

A I asked him to help me.

Q Thank you.

A I didn't want him to hurt me.

Q Now, you say you had some blacks in your campaign?

A Yes, sir, I did.

Q To work in the black community?

A Yes, sir, I did.

Q Why didn't you send them out into the white

community?

A I had whites out there in the white community helping me.

Q That answers my question.

May I see Exhibit 10, please.

A Each man does the best he can.

Q With what he has to work with.

A That is correct, sir.

Q What you have to work with is the electorate of District 33, right?

A Yes.

Q And we all have to face the facts of life, right?

A Yes, sir.

Q What it takes to get the white folks vote and the black folks vote?

A That is correct. If you run in a biracial district, you have to worry about that.

Q Mr. Perloff, whose idea was it to run Mr. Buskey's picture in your campaign handbill; that wasn't Mr. Johnstone's idea, was it?

A No. I didn't discuss this with Johnstone. I told you I got the idea of using this from Doug Johnstone. He used it in the primary respectively and, as I told you -- told Mr. Wood, just a few minutes ago, it is one heck of a lot cheaper.

Q Did Mr. Johnstone tell you that it was a good idea to run a picture of your opponent?

A I did not discuss this with Mr. Johnstone.

Q Again, I asked the question. Whose idea was it?

A I don't know if it was any one person's idea, as such. We were trying to determine --

THE COURT:

Was it with your approval?

A Yes, sir.

THE COURT:

All right.

MR. BLACKSHER:

Can you tell me in your recollection --

THE COURT:

Let me ask you this. Did Mr. Johnstone run the picture of his opponent in his paper?

A I don't know, sir. I had heard that he did. I may have seen it, but I just don't recall.

MR. BLACKSHER:

Can you tell me this. Can you tell me one other candidate in the '74 election who you know ran a picture of his opponent in his campaign advertisements -- one other person?

A Mr. Blacksher, I can only answer you this way, that the only person who I was concerned with was me. Now, I don't

THE COURT:

I don't recall.

MR. KENNAMER:

The Hoodlum Herald?

THE COURT:

Well, I guess that is about right. I distributed for whoever paid me.

A If Mr. Buskey had hired him, they would have distributed it for him.

THE COURT:

I had a friend to tell me to put part of them in the sewer, but I resisted that temptation.

A That has happened to me, too.

MR. BLACKSHER:

Did you vote on a bill that would change the at large system in Alabama to a single member?

A Yes, sir.

Q Tell us which one.

A The school board bill.

Q When was that?

A '75.

Q How did you vote?

A I voted for it.

Q Were you aware at the time you voted for it that it was likely to provide an opportunity for a black person to be

elected to the school board?

A Yes, sir. Cain Kennedy told me.

Q Did Mr. Kennedy have to tell you what the effect of it --

A No, I think I am smarter than he is.

MR. BLACKSHER:

So, you have known for some time any time you change the at large system for the school board or County Commission or City Commission into a single member district plan, it is more likely?

A Yes, sir. As you well know, I tried to get one for the City Commission that you were opposed to.

MR. BLACKSHER:

That is all I have. Thank you.

THE COURT:

Any other questions.

CROSS EXAMINATION

BY MR. PHILIPS:

Q Senator Perloff, the bill Mr. Blacksher just asked you about, Mr. Kennedy's bill in the 1975 legislature, at the time that you voted for it and at the time it passed, you were also aware that it would insure the election to the board of someone from the north part of the County, too, weren't you?

A That is correct.

THE COURT:

I will let them present it as they see fit. Go ahead.

MR. PHILIPS:

Thank you, Your Honor.

JAMES EVERETT VOYLES

the witness, called on behalf of the Defendant, School Board, and after having first been duly sworn to tell the truth, the whole truth and nothing but the truth, took the stand and testified as follows:

DIRECT EXAMINATION

BY MR. PHILIPS:

Your Honor, this witness is Dr. James Everett Voyles. He has a Bachelor of Science Degree from Brazier College in Owensburg, Kentucky, where he majored in political science and his minors were english and history. He has a Master's Degree from the University of Mississippi where his major was political science and his minors were sociology and intellectual history.

He did further graduate study at Emory Univeristy in political science. He has a Doctorate from North Texas State University and his major was political science with concentration in survey research methods, public law, public administration theory, comparative government and american government and a minor in statistics and American history.

A Yes. I think that is possible.

Q All right. Are you familiar with John Klubox's article "The Manipulated Negro Vote", which appeared in the journal of politics in 1974?

A Yes, sir.

Q In that article he describes what he terms an independent bargaining group?

A He was attempting to describe ways that blacks were able to participate in voting. Well, I should say in the political process prior to the time they were able to vote in great numbers. The use of the independent bargaining town was one way. In this particular situation there was a small highly identifiable group of black voters who were able to bargain with the white leaders in the town, the white politicians in the town, for favors in return for what amounted to a block vote.

Q All right, sir. Do you think Mobile, in the 1960's, would fall into that classification of independent bargaining town?

A Yes. I think it might well do so. In fact, the situation in the 1960's in Mobile, the voting numbers of blacks, were much less before the 1965 voter rights act than afterwards as we all know. The black vote was highly influenced by the endorsement of the Non-Partisan Voters League and it would seem that the leaders of the black community in the Non-Partisan

Voters League, particularly Mr. LeFlore and the others in the steering committee or screening committee, were able to use this endorsement as a means of bargaining for various policy things that the black community wanted; particularly, in terms of their success in electing Mr. Langan to the City Commission.

Q Have blacks in Mobile County ever constituted what would be characterized as a swing vote or is that part and parcel of the independent bargaining town concept?

A Well, swing vote is part of that. Obviously, the more power a block of voters have, whether we are talking about a black group or union vote or any type of identifiable group, has depended upon, obviously, the turn out and the way the vote is going in the rest of the community. If the rest of the community is displaying the vote pretty closely, then any group that can bring a sizeable block vote into the political picture has a great deal of power and that is one of the reasons, in local politics, the labor unions generally do not favor the electoral college. It gives the labor unions a great deal of power with the winner take all electoral college situation, and that is somewhat what is being displayed here on the local level.

Q You say played here on the local level. Do you mean by the black vote?

A Yes. I think so.

Q Black leadership of the community?

A Yes. I think it was a very wise political move compared to registration of blacks and whites, particularly in the early sixties.

Q Now, as the registration of blacks continues to grow, could the swing vote become an even more significant factor?

A Yes. It could, but I think also another facotr is happening. Without a doubt, as any groups potential vote increas they become more powerful in the community, but also, as that vote increases and more members of that particular identifiable group are able to register and vote, the group becomes much more difficult to influence or control.

Influence is probably a better word in terms of what the pink sheet is doing, because you begin to have a wider diversification of the voters even within that identifiable group. Thus, I think some people have testified here before that the endorsement of the Non-Partisan Voters League is not nearly as powerful in terms of percentage that you get in the black community as it was in the early 1960's.

Q All right, sir. As we move from the 1960's into the 1970's, don't you also find the development of other cohesive groups within the black community, such as the voting -- I forget the name of the group. There was earlier testimony about the group in Prichard?

A Yes, sir. I think it is the VRO.

Q VRO; yes, sir. So, as those groups would increase,

then you would still have the overall increase in the swing vote potential in the black constituency?

A Yes. As an identifiable group, yes. I don't want to mislead you. The endorsements by these groups are still very important, both the Non-Partisan Voters League and the VRO still account for a great amount of influence and greatly respected in the black community.

Q Have you ever had occasion to observe, Dr. Voyles, when there is one strong force or, I guess maybe it is back to the old principle, every action produces a reaction. Have you observed a phenomena of reaction from strong cohesive black vote?

A I am not sure what you are getting at.

Q Well, in terms of an action of a block voting that becomes apparent, is that likely to produce a reaction in other areas of the community?

A Yes. I think it actually produces a reaction in a number of areas. I think there was a reaction in the 1960's in the white community to the black vote. Particularly, I think this culminated in the 1969 race where Joe Langan was running against Joe Bailey.

I think it is fair to say there has been some reaction in the black community that other groups and other leaders have come forth to challenge the old traditional leadership patterns in the black community.

A Yes. The expense of an election is really two-fold. One, determined by the type of office, which candidates are running and; secondly, by the opposition.

Now, if a person was running from a single member district such as a legislative district, he could still spend a great deal of money. If he had opposition that was strong and spending money, because the real expense in campaigning is media costs, newspaper, television, and to a lesser extent, radio. If you go down to buy an ad on one of the television stations or with the daily newspaper, the Press Register, you have to pay for all of the coverage of the County. You don't just buy it for a particular area.

The television stations couldn't just beam our ad to Tillman's Corner, for example. You would have to buy it for the entire market area, regardless of the number of voters in any particular area we are trying to get. The cost wouldn't go down substantially. I suspect, if we checked the records at the Probate Court we would find district races where they spent as much money as candidates for County wide office.

Q There has been some speculation that the cost of the School Board campaign would vary somewhere between twenty-five and thirty thousand dollars?

A Of course, you can spend any amount of money you want to. I don't think anyone has ever spent that much money. It would be very foolish to do so.

It is a non-paying job with no real political power. I would say a top figure of four and an average of two or three

Q In your campaign, what did you spend in your campaign?

A I am not for sure. I don't have the records, but I would guess at not more than two thousand and probably less.

Q Dr. Voyles, were you involved in the 1970 Brewer-Wallace campaign for the governorship?

A Yes, at somewhat a minor level. We had the responsibility of putting together the primary work on the ward organization for the Brewer campaign. This consisted of starting some six months prior to the kickoff of the campaign with a staff primarily recruited from the student body of U.S.A., getting names and addresses from the voter's list and matching them with the telephone directory and putting them on cards.

After the campaign started, I did various jobs in the campaign, which consisted of mostly going around and running errands and that type of thing.

Q In the 1970 School Board race, were you involved in that campaign, in some way on behalf of Jackie Jacobs?

A Yes, sir. I supported Jackie Jacobs and did a little work on her behalf.

Q During that time, Dr. Voyles, was there a considerable speculation that Mrs. Jacobs was put on the ballot to bring out a larger black vote, which was expected to go to Mr. Brewer?

MR. STILL:

Alexander in that race?

A No, not unless they had been willing to spend a large sum of money. As I mentioned to you in conference, I was involved in several other campaigns as a professional campaign person, besides that particular race and we were doing some polling for the various candidates, particularly for Bill Roberts, and we found that -- I tested some of my own questions on polls and found that name identification, that Dan Alexander had compared to the others in the race made it virtually impossible for anyone to beat him, unless they were willing to spend about thirty thousand dollars, which is unrealistic in a school board race.

Q In a school board race like that where it is a non-paying position and you normally don't spend a great deal of money, isn't name identification an extremely important factor?

A Yes, sir, without a doubt, I think the school board race is where there are really no issues. Everyone is for better schools and better conditions for the children and all the various things.

It is not the type of race you can spend a lot of money raising issues. So, I think name identification is the major factor.

Q How do you acquire that name identification, doctor? Do you acquire it in one part by running for election?

A Well, of course, that was what Mrs. Drago did. I think

that is the way you do it. You run the first time and the second time and hope eventually the voters will recognize your name and when they go in, they will vote for you.

Q Another way to acquire name identification is by a close contact or close association with some dominant and popular statewide political figure like, say, George Wallace?

A No doubt, in a minor race, identification and/or endorsement by a major popular figure which certainly would help you. Voters don't have a great deal of information to vote on in minor races.

Q All right. Would another factor in this acquisition of name identification be simply visibility in the total count by association with groups, by civic club work seeing the other sources that are available to someone to become well known throughout the county?

A Oh, certainly, activities of that sort would help.

Q Did you identify any particular -- in your polling having to do with Mr. Alexander, did you identify any particular factor or source of name identification that seems to be dominant?

A No. We didn't go into that type of thing. I was tying the question onto polls that was being run for other candidates. We simply did a name I.D.factor.

Q Now, the total effect was a strong name identification with Mr. Alexander?

A Oh, definitely. He was well known in the County.

A Yes.

Q What are elections of comparable significance to City Commission elections?

A What I am trying to do, Mr. Still, is distinguish somewhat between the elections where there are issues, large budgets, vigorous campaigns as opposed to elections where there are not very much issues and very limited budgets and so on.

Q There aren't very many issues in School Board elections, are there?

A No.

Q Your statement about race and income are highly correlated with turn out would not necessarily be true in School Board elections?

A I haven't run it on School Board races. So, I don't know, but I suppose not.

Q All right. Now, in talking about Klubox study on the manipulated negro vote, he came up with a typology in which he divided cities with negro populations in four different classifications, wasn't it?

A Yes, sir.

Q What were the four classifications?

A I couldn't tell you without the notes.

Q One of them was the independent bargaining town?

A Yes.

Q You say Mobile was like that in the sixties?

A Yes. I think we would fit well into that classification if we compared it with the article.

Q But Mobile is not like that now; is that correct?

A I would say it is certainly becoming less so. It would be very difficult to fit that category right this moment.

Q Then I believe you testified that there was a reaction in the sixties against the block vote of blacks?

A Yes.

Q And previously to that, you had said that the block vote was a very good political tactic, given what blacks had to work with, at the time?

A Yes.

Q Now, what blacks had to work with, at that time, wasn't it a situation in which there were very few blacks registered to vote, because of literacy tests, poll taxes, opposition on the part of white officials and those were factors of the political situation that blacks had to work with, at that time, weren't they?

A Well, at least there were relatively few blacks registered for whatever reasons.

Q At that time, if there was any effort to organize a black vote among blacks, it was because they were abnormally low in the political electorate as compared with the population at large, isn't that true?

A Yes. Of course, this was the theory behind it.

Q So, then, a reaction against the block vote, as it is called, would be a reaction against blacks having very much political power, wouldn't it?

A I think the reaction was against the civil rights movement of the sixties.

Q What is the difference between the civil rights movement in the sixties and blacks having political power?

A It wasn't a difference in political power. As you know, it also involved socio-economic things. It was what we kind of refer to as the southern way of life.

The end of segregation, end of segregated facilities, and that type of thing which I think was probably more meaningful to people than whether or not blacks were able to participate some way in the political system. They may have interpreted it to bring this about quicker.

Q So whites resisting the socio-economic gains of blacks reacted against them by voting against them at the polls; is that correct?

A Yes. I think that is correct, and would have happened for any other group, I think, the disrupted social system.

Q And so, would you say that at any time in the future when there is a feeling on the part of a great number of white voters that blacks are threatening them in a social or economic way that they will react again by voting against their interest at the polls?

A I think any time anyone is threatened by any group there will be some reaction to it; perhaps even voting, talking about blacks, or labor unions or anything else. I think it would be more difficult now for any of this white reaction to find a great deal of political support simply because of the things we have been discussing here. That is, there is a sizeable number of black voters now. Voting roles are open to blacks and they represent a goodly portion of the potential vote in Mobile County. You cannot simply discard roughly a quarter to a third of the vote.

Q Now, when was it that that V.O. Key published Southern Politics?

A I believe 1947, I think.

Q As long as we both guessed the same thing, I suppose we can work on that.

V.O.Key found, did he not, that the central issue of southern politics was race?

A Yes.

Q Not very many blacks could vote in 1947, could they?

A That is correct.

Q Were blacks making any social pressures or economic pressures on whites, at that time?

A In some areas, I think they were -- but, no, they weren't really.

Q In the whole electorate, it wasn't perceived, was it?

Q Wiley and Bridges were very close together in the number of votes that they got in the black wards, weren't they?

A Yes.

Q Now, in previous campaigns, in order to run ads in the runoff, say, my opponent got the block vote, you have to be able to publish a table in the newspapers showing that your opponent got a lot more votes in the black neighborhood than you did?

A Oh, without a doubt.

Q But Wiley and Bridges were so close together if one of them had wanted to do that, they couldn't have done that?

A Yes. It would have been ineffective.

Q Now, you were helping to run the media campaign of Mr. Wiley, weren't you?

A Yes.

Q And you paid attention to the media campaign that Mr. Bridges ran, didn't you?

A Yes.

Q And I believe Mr. Bridges, who was a former sheriff ran ads stating that Mr. Wiley had been sued for discrimination in the skating rink that he owned; is that correct?

A He ran at least one of those ads in the Mobile Beacon which is aimed primarily at the black audience.

Q Did he ever run that ad in the Press or the Register, to the best of your knowledge?

A No. I don't think he did.

Q So, he ran an ad stating that his opponent, Mr. Wiley, had discriminated against blacks, but he ran it only in black media; is that correct?

A I believe that is the case, yes.

Q I believe Mr. Wiley ran some ads against Mr. Bridges which accused Mr. Bridges of discriminating against blacks on something he had done in the sheriff's department, didn't he?

A I think we implied that.

Q Where didyou place those ads?

A Primarily in the black media.

Q In the black radio stations and the Mobile Beacon?

A Right.

Q You didn't run it in the white media, did you?

A No. There was no reason to.

Q There was no reason to?

A No, because on advertising, political advertising, you try to pinpoint your audience as much as possible. That is, which audience will this particular ad affect to get the most for your money.

Those ads were effective, we thought, more effective in the black community and I am sure Bridges did too. Also, media costs for the black radio stations and the Beacon are much, much less than say the Mobile Press Register or stations like WABB and WUNI and so on. There is a dollar factor and that

is a political cost efficiency formula, too.

Q You didn't run it in the Press or in the Register because white people wouldn't have been very interested in whether or not Mr. Wiley had discriminated?

THE COURT:

I think that is obvious. He has answered that.

MR. STILL:

Now, in terms of cost of running in a single member district, you stated your opinion that it is about the same as running countywide; is that correct?

A I don't think that there would be any real substantial difference. There would be probably be some difference. You would save some on literature and obviously on gasoline and that type of thing if you ran a media campaign.

Q If you ran a media campaign?

A Yes.

Q If you have a highly urbanized district that you are running in, a district in which you can do door to door campaigning and in which there is a lot of neighborhood meetings, you can go -- you may not need to do a lot of media advertising, right?

A Two points; One, if your opponent would do so you would have to, given equal door to door participation by the candidates, I would put my money on the guy that ran the media campaign.

Running on the second point, I think there is some justification.

THE COURT:

Let me see if I understood you correctly. Did I understand you to say that you thought media campaigning was better than door to door?

A No, sir. I said if they are both doing the same thing and you add the additional factor.....

THE COURT:

Oh, I see.

A And the second point, media campaigning is also an educational process. I happen to live in the district where I understand the two candidates, Mr. Cooper and Mrs. Edington agreed not to run a media campaign, but that was probably one of the least informative campaigns I have been able to participate in or judge.

Simply going door to door you don't have much opportunity, really, to present your platform and discuss the issues and this type of thing. You have to hit "x" number of houses a day.

Q All right. Now, another type -- well, let's go back for a second to that.

You heard Mr. Buskey, or did you hear Mr. Buskey's testimony?

THE COURT:

Let me ask a rather interesting question. Did I understand

you to say that media campaigns are informative?

A I think they inform.

THE COURT:

All right.

A Perhaps what each side wants the audience to hear.

MR. STILL:

They get your promises across, is that what you are saying?

A I think you are trying to present the best case.

THE COURT:

Aren't there rather some interesting discussions of that going on in the national television about the presentation of candidates or the selling of candidates?

A Yes. I have my own theory on the thirty-second commercials.

THE COURT:

Go ahead.

MR. STILL:

I think Mr. Buskey, the record will show, testified he spent around twenty-five hundred dollars on his campaign?

A Yes.

Q And you are saying he probably didn't have to spend any more because there was no pressure to spend any more from anybody else and the House District 99 race is what I am talking about?

A Yes. I would be surprised if his opposition spent any

more than that.

Q In '72, Mr. Buskey was running against Mr. Perloff and Mr. Perloff testified that, among the campaign publicity that he used was a brochure which looked like a tabloid newspaper, four pages, and he had previously run two direct mail campaigns to everybody in his district.

Now, if you ran a direct mail -- well, first of all, the theory of direct mail campaigns is that they seem a little more personal than an ad in the newspapers; is that correct?

A Depending on how you do it, but, yes, that is the theory behind it.

Q Presumably, but if you can get somebody to open it, the theory is it is a little more effective than say a newspaper ad?

A Yes.

Q All right. Now, if you are running -- trying to run a legislative campaign, let's say, in all of Mobile County, you have to send out, if you are going to do that, direct mail campaign, you have to do that to every house in Mobile County unless you get specialized lists, don't you?

A Well, of course, you can get specialized lists. There would be about sixty thousand houses, head of households.

Q In a legislative district, for instance, how many households would there be?

A I don't know. We did this for Bill Roberts in the

Senate district, but I can't remember the numbers we sent out. It would be obviously less.

Q So, it would be less in a single member district than in a multi-member district?

A Yes. But in all honesty, it is too expensive.

Q And it may not get there until after election?

A Yes. That has happened a few times, too.

Q Now, various election systems, depending on the context in which they are used, can dilute one group's vote or cancel out one group's vote, can't they?

A Yes.

Q And you talked about single member districts. There is a possibility they can be gerimandered?

A Without a doubt.

Q I think you identified gerimandering as one major form of dilution of the vote?

A Yes.

Q You spread your opponent's vote -- let's assume we are in power. We spread the opponent's vote around so they can't get a majority in any district; is that correct?

A Yes. That is a very effective way of doing things.

Q In multi-member elections, you can also have a dilution of the vote simply by having a situation in which a minority is unable to elect anyone, can't you?

A Yes.

MR. BLACKSHER:

Your Honor, we are trying, in part of our case in chief, to establish, as best we can, whatever is the legal authority for the Board of School Commissioners and the current method under which they are elected and the only way I know to do it is since counsel was unwilling to turn over this information to me through discovery is to try to put it on through this witness, who was a member of the Board of School Commissioners and a lawyer and to present this evidence to the court and try to find out, because we do not know.

We can't tell, on the record, whatever is the legal authority for the School Commissioners.

MR. PHILIPS:

Your Honor denied them knowing, on discovery. We set out fully, in our pre-trial memorandum, the citations to act after act after act from the beginning of the School Board to the end, up to this point in time.

THE COURT:

The only trouble is he may disagree with that. He may not agree with that. Go ahead .

Well, just a minute. Gentlemen, if I am wrong, call it to my attention. The only relevance, it seems to me to have is as to whether or not the authority of the School Board, if there is tenuous statewide policy in at large elections.

MR. BLACKSHER:

That is correct.

THE COURT:

If it bears on that, all right. But if it does not, I don't see any reason in going into it.

MR. STILL:

That is the reason we wish to go into it.

THE COURT:

All right.

MR. BLACKSHER:

On pages three hundred six of your trial memorandum, of your lawyer's trial memorandum, Mr. Alexander, there is a discussion of the constitutional legislative basis of the Mobile County Public School system that begins when Alabama was admitted to the union in 1819; the 1826 Act of the Alabama Legislature establishing a public school system in Mobile County proceeding- through several other acts up through the 1901 Consitution which, of course, according to our brief, restated the constitutional authority or basis of the Board of School Commissioners of Mobile County and, ending with reference to an Act number 1919, Local Act 1919 of the 1919 Alabama Legislature which established a Board of Schoool Commissioners composed of five members elected by the voters of the county, at large, for staggered six year terms and that is the end of the discussion, in your brief, of the statutory authority for the Board of School Commissioners.

on blacks, but that the plaintiffs had the burden of showing that the District of Columbia was using it intentionally to discriminate against blacks in their hiring processes. And, of course, that was a case where the plaintiffs were trying to prove they didn't have to show intent. They came in to court, told the court we are not making any effort to do that. We think just because it has adverse impact that it is unconstitutional.

Now, the City is, in essence, saying in its brief that in light of that case we have to show that 1911 was the act creating the City Commission, and was an act that the legislature of Alabama had a smoking gun in their hand, that they did it for the motivation of diluting the black vote. Of course, we know we can't show that, because all the evidence shows that blacks were already disinfranchised. That could not have been the prevailing motive, at any rate, for the action taken by the legislature, at that time.

The same thing applies to the 1901 act that changed the County Commission system to an at large system. The same thing applies to whatever time or whatever act that constitutes the present form of election for the school board. I think the one the school board most recently relies on is 1917, but I ask your Honor to consider what that argument would mean if it were accepted on its face. It would mean

that if the state comes in and shows that at the time it started some state policy like that, it didn't have to concern itself with the unconstitutional impact it would have on folks fifty years from then. It could maintain it forever. It would just about totally destroy the concept of law as we know it now.

For example, what about the one man one vote principle? Under this theory that is being advanced by the Defendants, if the legislature reapportioned itself in 1960 and said it did it with the intention of providing every man, each person, the same vote and ten years later it was shown that the districts were out of proportion, they could come in and say we didn't do it intentionally. It would totally undermind the whole concept of one man one vote. Well, it is absolutely no different with respect to the racial discrimination in the electoral process. On that point, the evidence is chock full of testimony of how completely and fully all the politicians in Mobile County understood the important fact the at large system has on black voters and their ability to have their choices elected. The evidence is also full of example after example of how the legislators of Alabama had the opportunity to consider and did consider putting in single member districts as early as 1963 in the city and certainly most recently in the last two years, in

saying the law governing this circuit is Emma versus McKeith.

I will briefly consider each of the zimmer factors and tell your Honor our position on what the evidence shows. First of the four primary factors is the slating and candidate selection process and here, I think, the issue is clear. The Gadsden County case dismissed that factor in Gadsden County solely on the fact that the Democratic primary was an open primary and said, well, that shows that they don't have a slating process. What, in fact, the Fifth Circuit was saying, though, was that in Gadsden County where fifty percent of the electorate or more was black, the open primary did not bar access of black candidates to the electorate.

I think that the better view, in the context with this case, is the one taken by the district court in Shrevesport, Louisiana, in the Bull versus Shreveport case, which says the Court has to look past form and into the substance of the system. Your Honor, I don't think there is anything more clearly established in this case than the fact that that black candidates, qualified black candidates, are uterly discouraged from running for office in either the city, county commission, or the school board so long as the electoral system remains in the at large form. Every black politician who came before your Honor, including some like

Mrs. Gill who said they would never do it again and the reasons for it are obvious. The reasons for it, of course, are the combination, the deadly combination, of their minority status the racial polarized voting in use of racial campaign literature, and it all adds up to mean they know they are not going to have a chance to run as a black candidate in the county at large or the city at large. But I submit that if your Honor was going to read the Gadsden County case to say that the presence of the -- of an open Democratic primary in the case of a county commission or school board, or in the case of non-partisan election in the case of the City Commission forecloses the question then that factor is foreclosed. I don't think you will read Gadsden County that way and will instead consider the actual circumstances.

The second factor, primary factor in zimmer, is non-responsiveness. Once again, the Plaintiffs did not attempt, because we simply could not attempt, to prove in each and every respect racial discrimination in the delivery of the wide variety of services by these three governmental bodies. If we had done that, we could have obtained reflief under several other federal statutes governing not only employment, but municipal services and so forth. What we did establish -- first of all, let's talk about the school board. The

contrary.

All right. Add to the context -- add to the factor of racially polarized voting the use of racial campaign techniques the clear awareness of the politicians of the effect of this polarized vote on their chances to win and you come up with your result that we now have in Mobile County which is a net zero.

THE COURT:

Aren't you asking me to use polarization of vote to enhance two of the factors, both slating an historical discrimination?

MR. BLACKSHER:

Yes, I am.

THE COURT:

Bootstrapping?

MR. BLACKSHER:

Yes, sir. Well, you might characterize it that way but it was done by the Court in the Shreveport case. And I think correctly --

THE COURT:

It was the District Court?

MR. BLACKSHER:

Yes, sir. The whole thing adds up to an unlawful delusion of the black vote. And delusion --

THE COURT:

Let me ask you what is your concept of Zimmer on this question of tenuous state policy that if there is a tenuous state policy for at large as opposed to single member districts as being indicative of discrimination or if there is not a tenuous state policy, what is your concept of just what Zimmer means?

MR. BLACKSHER:

I really don't understand your question, your Honor.

THE COURT:

Well, there are four factors you should consider.

MR. BLACKSHER:

Yes, sir.

THE COURT:

1414

Yes, sir. I agree with you. And we know that blacks want to have more black representatives on this board. That is part of the empitus for this law suit. We certainly don't deny that.

But in seeking that we, in no way, have to compromise the fundemental constitutional principles or rights that we are asserting just for an even chance.

THE COURT:

All right. I believe you are next, Mr. Philips.

MR. PHILIPS:

May it please the Court, it is the position of my client that the blacks do not have a constitutional or legal right to a politically safe black electoral district wherein they can be assured of election. On cross examination, Dr. Cottrell, the Plaintiffs' expert witness, testified that this would not be constitutionally sound.

In Wallace versus House, the Fifth Circuit Court of Appeals said this, quoting from Chavis and Register, it said this: "Chavis and Register holds explicit simply that no racial or political group has a constitutional right to be represented in the Legislature in proportion to its numbers. So, it follows that no such group is constitutionally entitled to an apportionment structure designed to maximize its political advantages. Neither does either voter or group of voters have a constitutional right to be included within an electoral distric

that is especially favorable to the interest of one's own group or to be excluded from a district that is dominated by some other group".

Now, in Nevitt versus Sides, in reversing the District Court, the Court of Appeals said this: The trial court findings may be read as indicating that elections must be, somehow, so arranged, at any rate, where there is racial block voting, that black voters elect at least some candidates of their choice regardless of their percentage turnout. This is not what the Constitution requires."

Now, it is also the position of my clients that the mere showing of adverse impact is not sufficient to warrant disruption of an established governmental system. Again, in Wallace versus House, the Court of Appeals said: "The critical question under Chavis and Register is not whether the challenged political system has a demonstrably adverse effect on the political fortunes of a particular group or whether the effect is invidiously discriminatory." Now, it is also the positionof my clients that under Washington versus Davis the court indicated that before a court can declare a statute unconstitutional, by reason of its being racially discriminatory, the statute must first have been proved to have been racially discriminatory purpose upon its enactment, and I will not go into -- extensively, into Washington v. Davis, because I think the court .....

THE COURT:

Do you want to add anything to my questions to Mr. Arendall, if the Court intended for that decision to have the far reaching impact, through the structure of constitutional law, on multi-member districts on the school desegregation cases and all. It seems to me singular that they did not so express.

They did, I believe, expressly overrule one case in that. I may be in error. They didn't mention these other cases.

MR. PHILIPS:

Yes, sir. I cannot gain say what Mr. Arendall has already said on this point. It would be simply duplication. So, there is no point in me going further with that.

The Plaintiffs have failed not only to meet, however, assuming that Washington v. Davis may be applicable. The Plaintiffs have failed, not only to meet the burden of proving that the statute creating the School Board was enacted for discriminatory purposes, but from the testimony of the Plaintiffs own witnesses, they have affirmatively proven that it was not enacted for discriminatory purpose.

Now, on January 10th, 1826, the Alabama Legislature first approved legislation providing for the establishment and maintenance of public schools in Mobile County. This was the first provision for a public school system in the State of Alabama.

This Act is found in Acts of Alabama, 1825, 1826, page 35. This Act provided for commissioners to be elected from the County at large.

Now, in 1836, by further Act of the Legislature, the number of commissioners was changed, but this Act continued to provide for the election of Commissioners by general election from the County at large.

In 1854, twenty-eight years after establishment of a public school system for Mobile County, the Legislature of the State of Alabama passed the necessary legislation to set up the first public school system for the remainder of the State. I have the citations, Your Honor, to all of these Acts, in my trial memorandum. So, I won't burden the Court with the citations, as I go along.

The prior existence, by some twenty-eight years, of the school system -- the separate school system -- in Mobile County under the governants of the Board of School Commissioners of Mobile County was recognized in that Act. In 1857 the settled policy of taking Mobile County out from under the general scheme of public school legislation was written into the Constitution of Alabama, in 1875, Section 11 of Article 12.

Now, on February 15th, 1976, the Legislature passed an Act establishing the number of Commissioners at nine, but continuing to provide for their election, at large, on a county wide basis. Upon adoption of a new Constitution in 1901, the

settled policy of taking Mobile out from under the general scheme of public school legislation and recognizing its existence as a separate school system was written into the Constitution of 1901 at Section 270 of Article 14, which Your Honor has there. That has been amended on one occasion. It is amendment 111, I believe. I forget the date of the amendment. Amendment 111 removes all reference to racial separation in the schools.

THE COURT:

Let me ask you a question.

MR. PHILIPS:

Yes, sir.

THE COURT:

Does that not indicate to you some racial intent there?

MR. PHILIPS:

Some racial intent?

THE COURT:

Yes, sir, that separate schools for each race shall be maintained by the school authorities?

MR. PHILIPS:

Your Honor, I don't know what was in the minds of the framers .....

THE COURT:

I am telling you what the reading of the Constitution says.

MR. PHILIPS:

Well, the reading of the constitution means to each person what he reads into it or out of it. Now, what I was going .....

THE COURT:

I am asking you what you read in it?

MR. PHILIPS:

No, sir, I have not. I do not, simply because I have read the cases where the Supreme Court of Alabama has been faced with the need to interpret that statute and has interpreted separate thoughts and separate aspects of the statute. So, I don't read that into it at all, from the standpoint of the manner in which it created separate and apart and set up the manner of election of the members of the school board and the manner of the existence of the school board.

THE COURT:

It said, provided they maintain separate races.

MR. PHILIPS:

Well, this had simply to do with the maintenance of schools for separate races.

THE COURT:

It established at large systems provided they maintained separate races.

MR. PHILIPS:

Yes, sir. I realize that the proviso is there. I cite Your Honor to the cases where those separate provisions of that

particular Constitutional provision have been interpreted by the court.

Now, August, 1919, the Legislature passed an Act again making some changes in the structure of the board, but continuing to provide for a board composed of five members elected by the voters of the county, at large, for staggered six year terms with elections every two years. This is the statute or the Act under which the board exists in its present form, at this time.

Now, I notice from the proposed findings of fact, first off, and then again, it became an evidentuary matter late in the course of the trial this morning, that they, the Plaintiffs, apparently, do not accept this to be the case, and they cite two subsequent Acts of the Legislature as having changed that.

First, Act number 113, passed April 4th, 1933, and Act number 498, September 21, 1939. The Plaintiffs are simply incorrect in their position on this.

Act number 498, the latter of the two, is not a local Act applicable to Mobile County, but is a general Act with local application and then it is therefore inapplicable to Mobile County by virtue of the provisions of Section 270 of the Alabama Constitution as the Supreme Court has repeatedly construed Section 270 and the effect of 270 in shielding out general Acts of the Legislature and general Acts of local application, and the Mobile County School Board can only be, according to the

Supreme Court, be affected by local Acts.

Now, Act number 113, the second of the two, passed on April 4th, 1933.....

THE COURT:

So, if that is true an Act passed as a general Act would require no advertising and would be unconstitutional?

MR. PHILIPS:

I think it would.

THE COURT:

So, the proposed Act this last time was, therefore, unconstitutional?

MR. PHILIPS:

I think it was.

THE COURT:

Okay.

MR. PHILIPS:

There never has been any doubt in my mind about that.

THE COURT:

The fact that it was passed would have been another thing.

MR. PHILIPS:

I think it would.

THE COURT:

Okay.

MR. PHILIPS:

Act number 113, which is the second of the two Acts that they cite as having superceded the original -- the Act in 1919, was declared void by the Supreme Court of Alabama on June 29th, 1933, two months after its enactment, in the case of Exrel: Northquist versus Glennon. I have a copy of the decision that I will hand to the Court.

THE COURT:

Did the School Board take any action with reference to the 1976 Act to have it corrected to a local bill?

MR. PHILIPS:

Did it?

THE COURT:

Yes, sir.

MR. PHILIPS:

They were in the process of doing so when the session ran out, Your Honor.

THE COURT:

That was after our conference in July when I called it to your attention, if you wanted the Court to let the Legislature do something, that the Legislature was then in session.

MR. PHILIPS:

I believe so, Your Honor. I think that is true.

THE COURT:

All right.

MR. PHILIPS:

So, the original act, creating the School Board, was passed in 1826. And the Act under which it presently exists was passed in 1919.

Now, according to the testimony, neither Act was nor could have been enacted with the purpose in mind to discriminate against blacks because at the time both were enacted, blacks were not a part of the political process in Alabama. but in the words of Dr. McLaurin they were a political non-entity.

THE COURT:

It was still governed by Section 270. The Acts do not do away with 270.

MR. PHILIPS:

Certainly not. It is also these Defendants' position that under White versus Register, the Plaintiffs' burden is to produce evidence to support findings that the political processes leading to nomination and election are not equally open to the participation by the group in question.

Now, clearly all of the testimony has indicated that every aspect of the political process, registering to vote, voting, qualifying to run for office, running for office, are all equally open to blacks and to whites on the same basis in Mobile County.

Finally, Your Honor, it is the School Board's position that if the Plaintiffs are able to meet the demands and we submit that they have not, but if they are able to meet the

PLAINTIFFS EXH 2

Mobile Blacks and World War II: The Development of a Political Consciousness

MELTON A. MCLAURIN

Emancipation excepted nothing had so profound an impact upon the South's black community as the Second World War. War industries lured blacks by the thousands into the region's urban areas. The war provided for many their first opportunity to escape the vise of rural poverty. For those blacks already in urban areas, the war created unparalled economic opportunities. Increased mobility and earning power prompted a desire for more social freedoms and encouraged the hope of acceptance within the mainstream of the nation's economic and political life. The ideological clash between the Allies and the totalitarian powers, emphasized by the Nazis' treatment of the Jews, awakened hope that the United States would finally subdue the forces of prejudice and discrimination within its own borders. Thousands of black service men returned from the war determined that their nation recognize fully their rights as citizens. Throughout the black community the war wrought social and economic changes, aroused aspirations of a better life, and stiffened the determination of a people to demand the equality, dignity, and freedom which were their due. The impact of the war launched the modern civil rights movement and sounded the death knell of "The South."

Mobile, Alabama, uniquely exemplified the impact of World War II on the South's black community. Nowhere in the country did the war more disrupt established patterns of race relations. A cotton and lumber port and a paper mill town, Mobile had "slept for 230 years, then woke up in two." The city's 1940 population of 78,720 zoomed to an estimated 125,000 by 1943, as blacks and whites streamed into Mobile

from the rural areas of Alabama, Mississippi, and west Florida.[1] The city's black population rose from 29,046 in 1940 to 45,819 in 1950, nearly all of the increase occuring in the war years.[2] Blacks obtained employment at the city's two major ship yards, the docks, other war related industries, and Brookley Air Base. Crowded into two major areas, one to the north and one south of the downtown area, the grow-[47/48]ing black community presented the staid port city with a major social problem. The ingrained prejudices of the rural whites who composed the remainder of the city's new inhabitants made the racial situation even more volatile.

Mobile was also unique in that three of its citizens achieved statewide prominence in Alabama's post war effort to cope with changing patterns of race relations. Each man's reaction was, in large measure, influenced by the impact of war on Mobile's old racial patterns. John L. LeFlore, postal clerk and executive secretary of the local chapter of the National Association for the Advancement of Colored People (NAACP), represented the growing restiveness of the black community. He helped found the chapter in 1925, and devoted much of his time to its efforts. Outspoken and energetic, LeFlore became the black community's leading spokesman, achieving state and national recognition for his efforts.[3] Champion of the old racial order was attorney Gessner McCorvey. A representative of Mobile's white power structure, McCorvey was a formidable state political figure, as well. As chairman of the State Democratic Executive Committee, he supported the state's conservatives on both racial and economic issues.[4] Joseph N. Langan completed this unusual trio. A member of a prominent Mobile family, and a devout Catholic, the young attorney rose to the rank of colonel while serving in the Pacific. Capable and ambitious, he returned from the war to enter Mobile politics, winning the county's only state senate seat in 1946. In the senate he supported the Folsom administration and the policies of the

national Democratic Party.[5] From 1944 through 1949 these three men were repeatedly involved in the racial politics of their city and state.

As executive secretary of the local NAACP, LeFlore devoted his energies during the war years to opening economic opportunities for blacks. He turned to federal agencies to pressure war contractors to employ blacks. He badgered the War Manpower Commission and Sidney Hillman of the National Defense Advisory Commission about the lack of industrial training facilities for blacks until a welding school for blacks was established in Mobile.[6] He then prodded the Fair Employment Practices Commission to see that black welders were hired on an equal basis with whites by the shipyards. Whites at the Alabama Dry Docks and Shipbuilding Company rioted for two days in May, 1943, because the FEPC had persuaded the company to upgrade twelve [48/49] black welders.[7] LeFlore also urged the commander of Brookley Field to increase training and employment opportunities for blacks and sought the appointment of black physicians as examiners on local selective service boards.[8]

The improvement of public accommodations for blacks absorbed the rest of LeFlore's attention during the war. He requested equal accommodations from several railroads and both local and national bus lines. He asked local department stores to install lunch counters, restrooms, and water fountains for blacks. Invariably, LeFlore adopted a conciliatory approach in his correspondence, imploring management to recognize the rights of blacks as American citizens. He offered the promise of increased black patronage should management heed the complaints of the black community.[9]

Throughout the war years LeFlore's activities were supported by an active NAACP chapter. The local kept in close contact with such national leaders as Thurgood Marshall, Clarence Mitchell, and Charles Houston.[10] LeFlore's efforts

demonstrated that Mobile's black community both desired and was willing to initiate change. They also developed contacts with federal agencies capable of enforcing racial policies bitterly resented by white Mobilians. Thus a war-time economy, a somewhat sympathetic national administration, and the limited, but nevertheless real, achievements of the local NAACP combined to create a sense of hope, even expectation, within Mobile's black community.

Until 1944 LeFlore and the NAACP concentrated their efforts in the areas of employment opportunities and public accommodations, virtually ignoring political rights. Alabama's white Democratic primary compelled this choice by effectively removing blacks from the state's political arena. But early in 1944 the Supreme Court, in *Smith* v. *Allwright,* ruled that white primaries were unconstitutional. The Mobile NAACP immediately laid plans to challenge Alabama's primary laws. Twelve highly qualified, registered blacks were picked to attempt to vote in the May 3 Democratic primary. LeFlore arranged to publicize the confrontation between black voters and Mobile election officials. As correspondent for both the *Chicago Defender* and the *Pittsburgh Courier,* he had good press contacts. Photographers from *Time* and *Life* arrived in Mobile and conferred with NAACP leaders and the twelve prospective voters. When the blacks appeared at the polls, so did the photographers. The poll inspectors refused [**49/50**] to allow the blacks to vote as the cameras clicked. The rebuffed blacks left without incident. *Life* carried the story with pictures the next week. [11]

Upon the advice of Thurgood Marshall, the Mobile blacks sought advice from the Department of Justice. Each of the twelve filed with the department an affidavit giving a detailed account of the denial of their voting rights. Francis Biddle, then attorney general, assured the local NAACP that the Department of Justice would take legal action to force Alabama to

comply with the *Smith* v. *Allwright* decision. But the Justice Department failed to take such action, a failure attributed by LeFlore to President Roosevelt's death and Truman's replacement of Biddle with Tom Clark, a Texan. Clark allowed the Alabama Democratic party time to voluntarily comply rather than taking it to court.[12] It took the party a year-and-a-half to do so.

Yet the import of *Smith* v. *Allwright* and the twelve affidavits of the Mobile blacks was clear: Alabama had to abandon the white primary. For Gessner McCorvey the problem lay in how to do so, yet continue to disfranchise blacks. To accomplish this, McCorvey proposed that local registrars be given sweeping discretionary powers. They should be empowered to refuse registration to anyone who could not "explain and understand" the federal constitution. The legislature adopted McCorvey's proposal in the form of a constitutional amendment, called the Boswell amendment, in the fall of 1945 just as the war drew to a close. To be adopted, the amendment had to obtain voter approval in the general election of November 7, 1946.[13]

Meanwhile, acting under pressure from the Department of Justice, the State Democratic Executive Committee met on January 12, 1946, and opened the party's primary to all "qualified voters." McCorvey expressed confidence that the Negro vote was so small that it "would not cut any ice." As for the threat of increased black registration, McCorvey declared that the proposed amendment "covers the situation admirably."[14]

McCorvey was correct. In January, 1946, his native Mobile County contained 275 registered black and 19,000 white voters. Local registrars could still use the literacy test and a cumulative poll tax to bar blacks from registering. Despite such barriers, Mobile blacks sought to take advantage of the demise of the white primary. Blacks in increasing numbers, their ranks swelled by returning veterans, sought to register.

Thirty blacks, including [50/51] several veterans, sought to register in Mobile two days after the meeting of the Democratic Executive Committee.[15] To stall black registration the local board chaired by Milton Schnell, adopted an informal quota system. No matter how many blacks applied, only a few were registered at each of the board's somewhat infrequent sessions. The NAACP countered the board's action by taking affidavits from blacks denied the chance to register and forwarding them to the Department of Justice. Again, local blacks received little aid from the department.[16]

The board's stalling tactics worked well. By May only 691 blacks were registered in Mobile county. Yet Mobile blacks for the first time voted in a Democratic primary on May 7, 1946. The voter turnout was light. The *Mobile Register* noted that fewer blacks voted than had been anticipated. No racial incidents occurred at the polls. In the voting Joe Langan won election to the county's only state senate seat.[17]

After the primary, black voter registration efforts increased. Returning veterans formed the Negro Voters and Veterans Association, with J. J. Thomas as president. Together with the NAACP, the Veterans Association stressed voter registration. By the end of 1946, Mobile County's black voters had doubled in number, totaling over 1,300.[18]

The continued growth of the black electorate alarmed McCorvey, who was determined to see the Boswell amendment adopted. In appealing to the State Democratic Executive Committee for funds with which to mount a campaign for the amendment, McCorvey told the committee that it was "entirely proper" for it to "lead the fight to maintain the traditions of your party in this State by adopting the proposed amendment to our constitution and endeavoring, as far as it can legally be done, to make the Democratic Party in Alabama the 'White Man's Party.' " The committee agreed and appropriated $3,500

for a pro-amendment campaign. In the 1946 November general election, Alabama's voters overwhelmingly endorsed the Boswell amendment.[19]

The Boswell amendment proved as effective a deterrent to the registration of blacks as McCorvey predicted. From October, 1947, until March, 1948, the local board registered only 39 blacks. By the end of 1948, it had registered 2,800 whites and 104 blacks, most of whom were school teachers.[20]

The Boswell amendment failed, however, to halt the development of a black political consciousness. New black veterans or-[51/52]ganizations continued to appear as older organizations increased their membership. The Negro Voters and Veterans Association claimed over eight hundred members. By the fall of 1947, Mobile's black veterans had organized chapters of the Disabled Veterans of America, the American Legion, and the Veterans of Foreign Wars. Joe Langan, a national vice-commander of the VFW, helped organize the black chapter and encouraged its members to work for the franchise and educational opportunities.[21]

In the summer of 1947, Mobile blacks sought the aid of the county legislative delegation in improving educational opportunities in their community. Overcrowded and under financed, the Mobile school system was seeking legislative relief. In August, Mobile citizens approved a two-cent tax on beer as a source of additional school funds. The tax lacked only legislative approval to become effective. At this juncture, the NAACP, under LeFlore's leadership, attended a public meeting the legislative delegation held to air Mobile's educational problems. LeFlore presented the delegation with a seven-point program which called for equal education opportunities at both secondary and college levels, the equalization of salaries paid to black and white teachers, and a reduction of pupil loads for black teachers. LeFlore and others explained to the delegation that black teachers frequently taught twice the student load assigned to their white colleagues for little more than half the pay.[22]

Langan shocked all parties concerned by supporting the NAACP requests. War time service with blacks had shaken his racial prejudices, forcing him to "really look at some basic principles of life and . . . the fact that we are all creatures of God." Combined with his Christian beliefs, this examination convinced him that "I could not consider any person to be less entitled to anything in life than I was." [23] Acting on these convictions, Langan refused to support the proposed tax unless the school board agreed to equalize teacher salaries and adjust student-teacher ratios. The state senate's practice of rejecting local bills lacking approval of the local senator compelled the school board to agree to Langan's terms. While the bill passed the house, Langan and the board negotiated an agreement. On September 16 the bill passed the senate with Langan's approval, and Mobile blacks scored a remarkable victory. [24]

Continued black political activity, however, was impossible [52/53] unless the Boswell amendment was overturned. Realizing this, both the NAACP and the Negro Veterans Association laid plans to challenge the amendment in federal court. The threat of a Dixicrat rebellion in the upcoming presidential election provided an incentive for both groups. The Veterans Association moved first. On March 1, 1948, Hunter Davis and nine other Mobile blacks filed suit against the local board of registrars in an effort to have the Boswell amendment declared unconstitutional. [25]

In November, a three-judge circuit court heard the case of *Davis* v. *Schnell.* The plaintiffs contended that the board of registrars used the amendment to deny them rights to register solely because they were Negroes. Two members of the board denied this charge. The third, E. J. Gonzales, a Langan political ally, testified that he "could not join all of the denials" contained in the board's defense. The court noted McCorvey's motives for proposing the amendment, the miniscule number of blacks registered since its adoption, and the vagueness of the

amendment's "understand and explain" clause. The court ruled the Boswell amendment gave local boards arbitrary powers to discriminate against any group of electors, and was therefore unconstitutional. [26]

With the impediment of the Boswell amendment removed, Mobile blacks rushed to register. Both the NAACP and the Veterans Association expanded their voter registration programs. Blacks in groups of two hundred to three hundred persons descended upon the local board. An alarmed Gessner McCorvey wrote a friend in January, 1949, that recently sixty-eight Mobile Negroes had registered in one day.[27] Having failed to defeat President Truman in 1948, Alabama Dixiecrats now faced the possibility that black voters would contribute to their defeat within the state party. To prevent that possibility from occuring, McCorvey again proposed a means of disfranchising blacks. He presented the legislature with a revised form of the Boswell amendment which he believed could withstand inspection by the federal courts. Again, the key to McCorvey's proposal was a sweeping grant of power to local registrars. Local boards could refuse to register anyone "unless he be of good character and understands and embraces the duties and obligations of citizenship under our form of government." These requirements, argued [53/54] McCorvey, approximated federal requirements for naturalization.[28]

Meanwhile, the September, 1949 municipal elections provided an incentive which prompted Mobile blacks to register in record numbers. On August 15, the board registered 226 new voters, 116 of whom were black. Board member Gonzales worked overtime for two hours to see that all who stood in line when the board closed were registered. On September 6 over 100 more blacks registered.[29]

Faced with a growing black electorate and a national administration committed to a strong civil rights program, McCorvey and other Dixiecrats were determined to see the

revised Boswell admendment adopted by the 1949 legislature. Although the Folsom administration opposed the amendment, it passed the house. The senate supported the amendment overwhelmingly, but here a filibuster could defeat it. Proponents of the amendment made it clear that a filibuster would also kill any chance of state reapportionment, which was highly desired by Folsom supporters. Joe Langan proposed a compromise requesting that all veterans, white and black, be exempted from the provisions of the proposed amendment. Proponents of the amendment refused to compromise, thus forcing the opponents to accept the amendment or resort to the filibuster and kill all hope of reapportionment. Four senators, including Joe Langan of Mobile, chose the latter. [30]

The filibuster began at 1:00 P.M. September 8. On the senate floor Langan argued that God had not created a super race. The senate, he charged, was "desecrating the soul of Alabama by trying to take away the birthright of some of its citizens. . . .Thank God we still have the Federal Supreme Court." For twenty-three hours Langan and three up-state colleagues held the floor. At midnight, September 9, the last legally authorized legislative day of the 1949 session ended. The revised Boswell amendment had been defeated.[31]

On September 10, the Negro Voters and Veterans Association expressed its gratitude to the four senators who staged the filibuster. President J. J. Thomas revealed that the organization planned to continue its registration program, and cited the growth of the Association in Birmingham, Montgomery, and Tuskegee. When Mobile held its municipal elections on September 12, blacks voted in record numbers in a peaceful election that saw only one minor racial incident.[32] But the fight over the [54/55] amendment was not without repercussions. In the 1951 Democratic primary attorney Tom Johnson, using the race issue, defeated Joe Langan in his bid for re-election to the state senate.[33]

Compared with the recent racial revolution, the struggles of the 1940s seem tame indeed. But the achievements of that decade were essential and without them, the modern civil rights movement never would have occurred. A war time economy and the rhetoric of a democracy at war, sparked within the Mobile black community a hope for a better life. Returning black veterans demanded the rights their service had helped secure. Their presence lent determination and moral force to the reform efforts of such organizations as the NAACP and the Negro Voters and Veterans Association. Mobile blacks emerged from the war resolved to enter community politics and to utilize community politics to improve their economic and social life. John LeFlore, and to a lesser extent, J. J. Thomas, provided the leadership required to realize that goal.

But without support from the white community, the black struggle would have been considerably more difficult. That support came from the leadership of Joe Langan, who, like the black veteran, had seen his beliefs, values and aspirations changed by the experience of war.

1. Selden Menefee. *Assignment: U.S.A.* (New York, 1943), p. 51.
2. Bureau of the Census, *1940 Census: Population*, vol. 2, part 1, p. 317; Bureau of the Census, *1950 Census: Population*, vol. 2, part 2, p. 2-54.
3. Interview with John L. LeFlore, Non-Partisan Voter's League, Mobile, Alabama, July 3, 1970.
4. William D. Barnard, "Southern Liberalism in Triumph and Frustration: Alabama Politics, 1946-1950" (Ph.D. dissertation, University of Virginia, 1971), pp. 143, 219 (hereinafter cited as Barnard, "Southern Liberalism").
5. Interview with Joseph N. Langan, Mobile attorney, Mobile, Alabama, October 12, 1972.
6. LeFlore to Sidney Hillman, November 11, 1940, Mobile NAACP Papers, Library, University of South Alabama, Mobile, Ala. (hereinafter cited as NAACP Papers). Interview with John LeFlore, August 7, 1970).
7. *Mobile Register*, May 26-29, 1943; Thurgood Marshall to LeFlore, May 26, 1943, NAACP Papers; also see Boyte A. Presnell, "The Impact of World War II on Race Relations in Mobile, Alabama, 1940-1948" (M.A. thesis, Atlanta University 1972), pp. 8-20 (hereinafter cited as Presnell, "The Impact of World War II").
8. LeFlore to Col. V. B. Dixon, Commander of Brookley Field, October 17, 1942, and LeFlore to Dr. B. F. Austin, February 13, 1941, NAACP Papers.

[55/56]

9. Presnell, "Impact of World War II," pp. 8-21. See also LeFlore to R. K. McClain, July 24, 1940; LeFlore to C. E. Bell, July 23, 1940; LeFlore to [55/56] H. V. Greenslit, October 29, 1940; and LeFlore to S. H. Kress Company, November 7, 1940, all in the NAACP Papers.
10. Interview with John L. LeFlore, August 7, 1970. Also see LeFlore to Charles Houston, May 25, 1940; LeFlore to Walter White, May 20, 1940; LeFlore to Thurgood Marshall, June 15, 1944; as examples of correspondence to national NAACP leaders. All letters found in the NAACP Papers.
11. Interview John L. LeFlore, October 9, 1972; "Voting in the South," *Life* 16 (May 15, 1960; 32-42)
12. Affidavits of E. J. Tavion, Clifton T. McKinnis, Raphael Taylor, May 9, 1944, NAACP Papers: LeFlore Interview, October 9, 1972.
13. For a thorough discussion of the origins of the Boswell amendment, see Barnard "Southern Liberalism," Chapter 4. Also see Presnell "Impact of World War II," pp. 24-27.
14. *Mobile Register*, January 2, 13, 1946.
15. Ibid., January 15, 1946; LeFlore Interview, October 9, 1972.
16. Affidavits of Jesse Pinkney, Robert Bell, James Dial, May 9, 1946, NAACP Papers; LeFlore Interview, October 9, 1972.
17. *Mobile Register*, May 8, 1946.
18. *Mobile Press*, January 19, February 1, 1947.
19. Davis v. Schnell, 81 F.Supp., 872-81; *Mobile Register*, November 8, 1946.
20. Davis v. Schnell, 81 F.Supp., 872-81.
21. *Mobile Press*, February 1, September 14, 1947; Langan Interview.
22. LeFlore Interview, October 9, 1972.
23. Langan Interview.
24. Ibid.; LeFlore Interview, October 9, 1972; *Mobile Register*, September 17, 1947.
25. Davis v. Schnell, 81 F.Supp., 872-81; *Mobile Register*, March 2, 1948; LeFlore Interview, October 9, 1972.
26. Davis v. Schnell, 81 F.Supp., 872-81.
27. LeFlore Interview, August 7, 1970, and October 9, 1972; Barnard, "Southern Liberalism," p. 206.
28. *Mobile Register*, May 12, 1949.
29. Ibid., August 16, September 7, 1949.
30. *Mobile Press*, September 10, 1949; Barnard, "Southern Liberalism," pp. 283-290.
31. *Mobile Press*, September 10, 1949; Langan Interview.
32. *Mobile Press*, September 11, 13, 1949.
33. Ibid., May 2, 1951; LeFlore Interview, October 9, 1972; Langan Interview.

Plaintiffs Exhibit 4

VOTER TURNOUT

COMPARISON FOR SELECTED ELECTIONS AND WARDS

PREDOMINATELY BLACK WARDS

WARDS	% BLACK V A P	REGISTERED VOTERS MAY, 1976	County Comm. Place #1 May, 1976	County Comm. Pl.#1 Runoff May, 1976	School Board Gill-Alexander 1974 Runoff
33-99-1	91%	3584	1783	1806	1755
33-99-2	95.4%	3149	898	898	877
33-99-3	90.6%	1808	506	320	537
**33-99-4	95.7%	1712	457	434	428
*35-103-1	99.5%	2784	634	462	606
Totals		15,037	4,278	4,120	4,303
Turnout			28.4%	27.3%	28.6%
* For 35-103-1 Only			22.7%	16.5%	
** Sub-total House 99 Only		12,253	3,644	3,658	
Turnout House 99 Only			29.7%	29.8%	

PREDOMINATELY WHITE WARDS

34-100-4	.6%	4431	1272	1106	1436
34-101-1	.7%	3807	1110	897	1225
34-101-2	2.6%	4177	1322	1229	1365
34-101-3	.4%	4141	1361	1246	1294
34-102-3	1.0%	2831	939	893	1103
34-102-4	.3%	2052	698	691	845
34-102-5	.0%	4460	1505	1364	1710
35-103-4	2.6%	3769	911	748	1043
35-104-4	.8%	3330	913	787	1111
35-104-5	2.0	3127	1034	985	810
Totals		36,125	11,065	9,946	11,942
Turnout			30.6%	27.3%	33.05%

Plaintiffs Exhibit 5

VOTER REGISTRATION
MOBILE - 1973

PREDOMINATELY BLACK WARDS

WARD	% BLACK V A P	V A P	REGISTERED VOTERS AS OF JULY 9, 1973
1	95.3%	1878	963
2	95.2%	4639	2876
3	95.9%	6679	4358
10	99.5%	6285	4192
20	96.0%	1817	1251
22	94.7%	1771	1152
32	99.9%	2883	1478
Totals 7 Black Wards		2,5952 % Black Registered Voters 63.4%	16,470

PREDOMINATELY WHITE WARDS

4	.2%	2742	2720
6	2.1%	5685	5035
15	2.1%	3893	3324
16	.09%	2167	2077
17	.00%	4846	4465
18	2.1%	6342	6363
35	.4%	2915	2336
36	.08%	5362	3140
37	.6%	4058	3140
Totals 9 White Wards		38,010 % White Registered Voters 89.6%	34,086

AN ANALYSIS OF VOTING PATTERNS IN

MOBILE, ALABAMA, 1948-1970

DISSERTATION

Presented to the Graduate Council of the

North Texas State University in Partial

Fulfillment of the Requirements

For the Degree of

DOCTOR OF PHILOSOPHY

By

James Everett Voyles, B. S., M. A.

Denton, Texas

May, 1973

CHAPTER I

INTRODUCTION

For many years following the War Between the States, the South was the most politically static region of the nation. Two inseparable themes predominated in Southern politics: the one-party system, and disfranchisement of the Negro. The past two decades, however, have seen far-reaching changes in the heretofore static politics of this region. Federal intervention in the process of registration and voting, culminating in the Voting Rights Act of 1965, helped to swell the ranks of Negro voters in the South. During this same time period, the Republican party enjoyed phenomenal growth in many Southern states.

There have been differences of opinion relative to the role of the Negro voter in the South. Three major schools of thought developed. The first, as represented by Alexander Heard, expressed speculative optimism concerning the impact Negroes would have on Southern politics should they be allowed to vote in large numbers. This same cautious optimism is evident in the work of V. O. Key.

His classic work, Southern Politics,[1] still stands as the most definitive study of the South as a political region. Using aggregate vote data collected county by county, Key constructed a state-by-state description of Southern politics. His basic observation was that the South was a one-party conservative area due to the lack of Negro voters and the general low interest shown in political matters by the population as a whole. He wrote,

> Southern sectionalism and the special character of southern political institutions has to be attributed in the main to the Negro. The one-party system, suffrage restrictions departing from democratic norms, low levels of voting and of political interest, and all the consequences of these political arrangements and practices must be traced ultimately to this one factor. All of which amounts to saying that the predominant consideration of the architecture of southern political institutions has been to assure locally a subordination of the Negro population and, externally, to block threatened interference from the outside with these local arrangements.[2]

The absence of the Negro vote, coupled with the low turnout by the lower-income whites, produced an upper-class bias to Southern politics. Heard notes that, "the absence

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[1] V. O. Key, Southern Politics (New York, 1949).

[2] Ibid., p. 665.

from the electorate of huge amounts of Negroes weighs the electorate in favor of the 'haves.' Politicians would feel more need to cultivate lower-income groups if more of them voted."[3] Key forecast that "if the blue-collar vote in the South should double, southern conservatives in Congress would probably become less numerous."[4]

A second school of thought evolved out of the concern for Negro rights originating in the civil rights movement of the 1960's. This school was characterized by studies dealing with Negro political attitudes and the effects these attitudes would have on black voting patterns once Negroes were allowed to vote in large numbers. Adopting the basic tenets of Beard and Key that Southern politics would become more progressive when blacks received the vote, the writers in the 1960's became interested in factors relating to Negro registration and began to predict the end of Southern conservatism when white domination was terminated.

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[3]Alexander Heard, A Two Party South? (Chapel Hill, N.C., 1952) pp. 12-13.

[4]Key, op. cit., p. 105.

In 1962, Charles Steinberg traced the history of Negro voting from Reconstruction to the 1960 Civil Rights Act.[5] He found that, despite the Fourteenth and Fifteenth Amendments, the Negro was faced with obstacles: economic reprisals, literacy tests, "grandfather clauses." Court suits seemed of no avail; not only was the process long and expensive, but as soon as one method of Negro disfranchisement was struck down, another was developed. The fulfillment of the law depended too much on the integrity of the local officials by whom it was administered. Therefore, Steinberg felt that the real hope of Negroes was that they would one day have sufficient political influence to bring about the passage of strong federal legislation containing a clear executive mandate to guarantee the spirit and letter of the Fourteenth and Fifteenth Amendments.

Steinberg described the Civil Rights Act of 1957,[6] blaming its ineffectiveness upon the lack of enforcement machinery. He saw the 1960 Civil Rights Act[7] as a step in the right direction, although it was limited in usefulness.

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[5]Charles Steinberg, "The Southern Negro's Right to Vote," The American Federationist, LXIX (July, 1962), 1-6.

[6]U.S. Statutes at Large, LXXI, 634 (1957).

[7]U.S. Statutes at Large, LXXVII, 412 (1960).

Steinberg believed that the emancipation of the Negro voters could help reshape and liberalize our political structure, making new developments possible for the entire nation. To accomplish this emancipation, he found a need for: a massive educational program on the right to vote, increased staff and budget for the Attorney General, and stricter penalties for violations of a citizen's voting rights.

Joseph Brittain also made an historical study of Negro suffrage.[8] He focused his attention on the various impediments devised to disfranchise the Negro in Alabama, concentrating on the theme that, whenever one device was struck down, another was created to keep the blacks from political effectiveness. The white primary was followed by the Boswell Amendment, which was in turn succeeded by the Voter Qualification Amendment. When the poll tax was repealed, the gerrymander was revived. The Civil Rights Act of 1960 helped, but Brittain's work, written in 1962, noted that there was much left to be done.

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[8]Joseph M. Brittain, "Some Reflections on Negro Suffrage and Politics in Alabama--Past and Present," Journal of Negro History, XLVIII (April, 1962), 127-138.

Burke Marshall listed some measures used in the past to suppress registration of Negroes, from economic reprisals to poll taxes and white primaries.[9] He also described in some detail the remedies provided by the Civil Rights Acts of 1957 and 1960. It was Marshall's contention that Negro non-voting resulted almost exclusively from racial discrimination by officials.

Other students of Southern politics examined the process of political socialization in an effort to bring understanding. They found legal restrictions were only one part of the registration and voting process--attitudes were also important. Since race has always been a major political issue in the South, attitudes of whites toward Negroes, attitudes of Negroes themselves, and the relationship of class, race, and issues were important factors. One of the major socialization studies of white attitudes toward blacks in Alabama was developed by Schaffer and Schaffer.[10] Their statistical study classified individuals as either

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[9]Burke Marshall, "Federal Protection of Negro Voting Rights," Law and Contemporary Problems, XXVII (Summer, 1962), 453-467.

[10]Ruth C. Schaffer and Albert Schaffer, "Socialization and the Development of Attitudes Towards Negroes in Alabama," Phylon, XXVII (Fall, 1966), 274.

Johnnie Daniel, in 1966, investigated Negro political behavior and community political and socioeconomic structural factors.[18] This statistical study involved changes in the relationship between Negro political mobilization in 1960 and in 1966, as well as changes in the relationship between Negro political mobilization and the socioeconomic structure of Alabama communities from 1960 to 1966. He concluded that Alabama blacks are more involved in politics due to the 1960 Civil Rights Act and the Voting Rights Act of 1965.[19] Political mobilization of Negroes increased thirty percent or more in over half the counties in Alabama in the years studied; there tended to be more mobilization in counties with Negro candidates and in those with federal examiners. Thus, a social system with the opportunity to register for elections creates an atmosphere which results in blacks registering. Also, Negroes were more mobilized in areas where they were more likely to influence the elections, which led Daniel to

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[18] Johnnie Daniel, "Negro Political Behavior and Community Political and Socioeconomic Factors," Social Forces, XLVII (March, 1969), 274-286.

[19] U.S. Statutes at Large, LXXIX, 437 (1965).

conclude that black non-involvement in policies may be due largely to a feeling of non-effectiveness.

When he increases his political mobilization, the Negro also increases his socioeconomic status. Thus, Daniel found that, not only were blacks more mobilized in 1966 in Alabama than they had been since Reconstruction, but also their increased mobilization was accompanied by changes in their socioeconomic structures in their communities.

In 1970, Feagin and Hahn investigated black political strength in the South.[20] In this work, the authors noted that developments in Southern politics since the passage of federal civil rights legislation have required some revisions of earlier conclusions about black political activity in the South. Black voter registration has increased dramatically, especially since 1964. Since minority voters in the South have emerged in sufficient numbers to affect the outcome of major elections, the foundation has apparently been established for the use of

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[20] Joseph K. Feagin and Harlan Hahn, "The Second Reconstruction: Black Political Strength in the South," Social Science Quarterly, LI (June, 1970), 42-56.

The research done by authors in this second school of thought follows a common method. The legal restrictions barring the Negro from voting in the South are exposed for the purpose of suggesting changes to allow the Negro full participation in voting. Underlying this research is the belief that increased black participation in voting will mean increases in black political power. However, many of these works dealing with the role of the Negro as a voter in the South are speculative. Russell Middleton's suggestion that the party with the more militant position on civil rights issues would have the advantage has not been borne out in recent elections, most notably the 1968 and 1972 presidential elections, where candidates identified with social liberalism and civil rights were defeated. Feagin and Hahn's attempt to show black political gains by indicating the increased numbers of blacks holding political office in the South is only part of the story. They did not adequately explain that the increase they show in black office holders is primarily a result of returns from areas where blacks make up a majority of the voters.

In 1970, Numan V. Bartley began to question whether either school of thought represented the current reality.[22] It was Bartley's contention that, while the number of eligible Negro voters had certainly increased, and while Negroes had made some gains in electing members of their race to public office in the South, their entry into the political systems has had positive effects only in areas where they were in the majority. Bartley thus suggested a third school of thought on the Negro in contemporary Southern politics. He concluded that, in regions where whites retain the majority despite increased black registration, white reaction to Negro voting has nullified any political gains blacks might have enjoyed due to the increased number of black voters. Through the use of aggregate vote data, Bartley presented the thesis that Negro political power in Georgia has not increased since the advent of universal voting rights for blacks. He contended that the Georgia electorate has not become more progressive since the infusion of black voters into the political process, but rather has selected more conservative candidates than before.

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[22] Numan V. Bartley, From Thurmond to Wallace (Baltimore, 1972).

black belt counties. Already in several states of the marginal South, Negroes have won for themselves an accepted place within the Democratic party. This will help to push whites into the alternative party structure, the G.O.P., as soon as they realize the futility of third party movements. Second, white psychological dispositions to fight a hopeless rearguard action via a third party are shrinking in the face of the inevitable: they are not successful. Third, the National Democratic Party is becoming so alienated to the white Southerner as to underscore G.O.P. preferability. Fourth, the opinion-molding upper-middle class of the urban South is already tending toward Republicanism. Fifth, George Wallace notwithstanding, a new political cycle has begun which should render quite impractical the old Deep South strategy of seeking a balance of power in the Electoral College. Sixth, now that the G.O.P. is mobilizing enough white support to gain ascendency in Tennessee, North Carolina, and Florida, a social, cultural and political web of acceptability has been spun around the Republican party in the South.

The object of this study is to test the validity of two hypotheses suggested by the literature just reviewed.

The first is that black influence in electing candidates in Mobile has decreased since 1960, and the second is that the Republican party is emerging as the majority party in Mobile. The scope of the study is narrow, and in fact is an examination of a microcosm of Southern politics. The work will examine the role of the Negro voter and changing voter alignments in Mobile, Alabama, in an attempt to verify or reject the two hypotheses. Mobile is one of the most Southern cities, geographically, and has a reasonably large population (about 275,000 persons). Its Negro population makes up approximately 21 percent of the county and 30.5 percent of the city population; likewise, Mobile has seen the growth of a vigorous Republican party that now challenges the Democratic nominees in almost every election.

The research presented in this papor is a study of critical factors affecting the politics of Mobile since the early 1950's. This work involves the use of aggregate vote data from selected elections from 1948 to 1970. It is the intention of this paper to test the following hypotheses:

1. Black influence in electing candidates in Mobile has decreased since 1960.
2. The Republican party is emerging as the majority party in Mobile.

In order to examine these hypotheses, the relationship between voting patte ns and the variables of race and economic levels will be tested by the Pearson Product Moment Correlation. Product moment correlations are mathematical models that determine the degree of association between given variables. The coefficient of correlation between two candidates effectively reduces a scatter diagram comparing the votes won by each candidate to a number.[3] Although the Pearson coefficient varies from +1 to -1, it cannot be assumed that a coefficient of .50 means that the X

[3] Hayward R. Alker, Jr., Mathematics and Politics (New York, 1965), pp. 54-106.

variable accounts for half the variance in the Y variable. As an aid to the reader, a table of correlation is presented below; this indicates the relationship of X and Y at various r values:

An r of .90 accounts for 81 percent of the variance
An r of .80 accounts for 64 percent of the variance
An r of .70 accounts for 49 percent of the variance
An r of .60 accounts for 36 percent of the variance
An r of .50 accounts for 25 percent of the variance
An r of .40 accounts for 16 percent of the variance
An r of .30 accounts for 9 percent of the variance
An r of .20 accounts for 4 percent of the variance

Thus, correlations of less than .30 are not usually considered significant by most researchers. However, reflecting on the multiplicity of factors affecting human behavior, it is easy to understand that a single-factor explanation should not account for very much variance.[4]

For the purposes of research, the wards in Mobile were classified according to economic level and percentage

[4] William Buchanan, Understanding Political Variables (New York, 1969), pp. 276-278.

of the black registered voters in each ward. These classifications resulted in seven groups of voters in Mobile: low-income black, low-income white, lower-middle income black, lower-middle income white, middle-income white, upper-income white, and low-income racially mixed. The categories are purely subjective. Low-income wards are those with per capita income of less than $3499; lower-middle income wards have an average per capita income of $3500 to $4499; middle-income wards have an average per capita of $4500 to $5599; and upper income wards are those which have an average per capita income of over $5599. A ward in which 75 percent of the registered voters are black is considered a black ward. These classifications are important only for the purpose of grouping wards for display in tables and for discussion. The actual statistical testing was done by working with individual wards, not with groups.

Correlation of Demographic Features

It is not a novel idea to state that certain relationships exist between demographic characteristics of a population and political participation. The existence of these relationships has been discussed by Gosnell, Cyburn,

that might exist between social, economic, and demographic factors on the one hand and political behavior on the other. In order to insure that the groups studied are statistically homogeneous, they have been subjected to statistical treatment, which determined that the difference in political behavior between the groups is greater than the relationship within the groups.

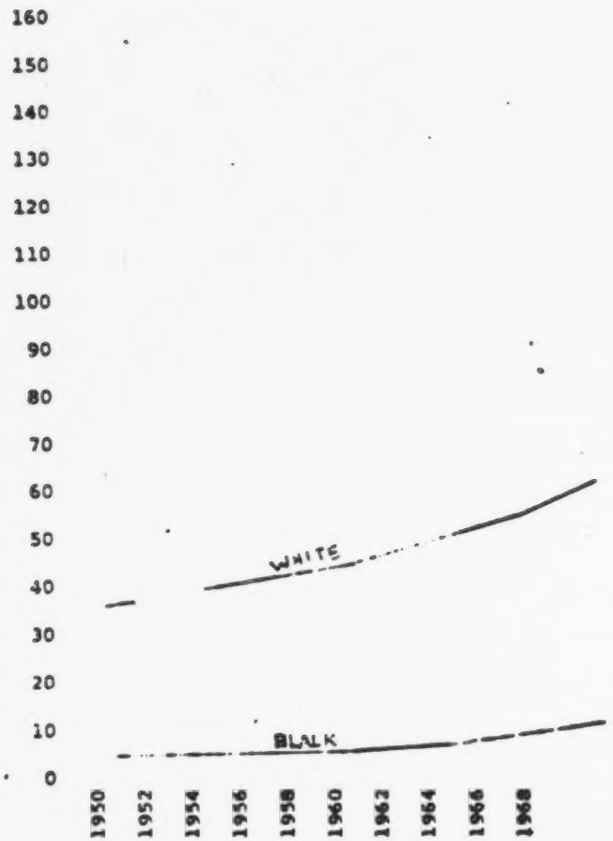
Voter registration was chosen as a means of measuring political behavior because it is a relatively stable variable, varying only slightly within a given area over a period of time. There is, however, some instability in the percentage of voting-age population registered in the Negro wards when revised over a long period of time. This is due to the very sizeable increase in Negro registration since the Voting Rights Act of 1965, as indicated in Chart I. Nevertheless, registration is a factor in political behavior and it is a measure of political participation, since the unregistered citizen cannot indicate his political preference through voting.

Data Sources

The demographic variables were selected in part from a study by Campbell, Gurin, and Miller, The Voter

CHART I

VOTER REGISTRATION IN MOBILE, ALABAMA



Source: Board of Registrars, Mobile County, Official List of Voters, 1948-1970.

affecting the black wards. Registration of voters and voter falloff in little publicized elections such as referendums are also important in the understanding of the role of blacks in Mobile politics.

Although blacks did not register in great numbers until after the passage of the 1965 Voting Rights Act, it is nevertheless worthwhile to compute statistics on turnout before this date for a basis of comparison. As Chart I (page 37) indicates, there has been a rapid increase in registration of blacks since the Voting Rights Act; but the chart also reveals that there has been a correspondingly rapid increase in the number of white registrants. Perhaps a comparison of turnout data for elections before and after 1965 can give researchers some idea as to the relative position of Negroes in regard to total voter turnout before and after the Voting Rights Act.

The attitude in Mobile County toward Negro suffrage has been less restrictive than in some other areas of Alabama, such as many black belt counties where few, if any, Negroes were registered prior to 1965. An assessment of a Negro's freedom to register in Mobile is difficult, but it is probably safe to speculate that, at least since 1965, Negroes

have been able to register and vote in Mobile with a minimum of difficulty.

The latest reliable figures on registration by race are those of 1964, since race is not designated on registration forms after that year. Any projection from 1964 to date is difficult; the Justice Department estimates are by state only and are not broken down by county. Luckily, the Southern Regional Council in Atlanta does publish registration figures by race and by county.[5] Using those figures and census data projections from the Southern Regional Planning Commission, it is possible to project reliable figures on Mobile registration by race and by ward. These are presented in Table I (page 48) and are reflected in Chart I (page 37), which shows the growth of Negro registration in Mobile from 1948 to the present.

Registration is but one side of the coin. To register is only part of the action of voting, and data reveals that Negroes do not exercise the right to vote in as high a percentage as do whites in Mobile. For example, in the 1968 presidential election, a great deal of effort was made to get Negroes to the polls, in an idealistic hope of preventing

[5] Voter Registration in the South (Atlanta, 1970).

Wallace, at least, from receiving a majority in Alabama. In Mobile County, the turnout for Humphrey in the black wards was sizable, as will be discussed in a later section of this paper, but the falloff between the vote for president and the vote for congressman was significant, as is indicated by Figure I. The falloff is even more extraordinary when one considers that Bobel Beasley, a Negro, was a candidate for Congress on the National Democratic Party of Alabama ticket.

FIGURE I

Negro Voter Turnout
1968 Presidential and Congressional Races

	Total Registered	Presidential Vote	Congressional Vote
Ward 1	720	492	163
Ward 10	3458	2383	751
Ward 31	578	505	354
Ward 32	1048	745	236

Source: Official Canvas, Tabulation and Declaration of Presidential and Congressional Races Held in Mobile County, Alabama, 1968.

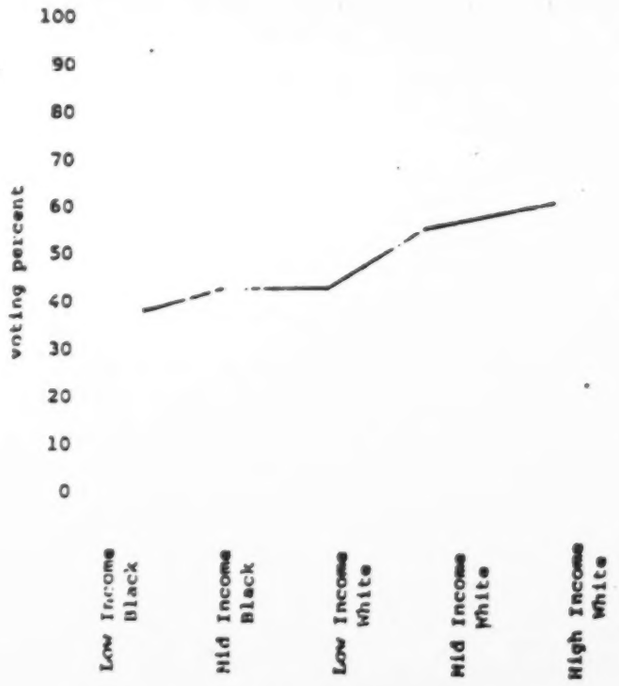
Types of Elections

There is also considerable variation in turnout between types of elections held in Mobile. Turnout consistently becomes less as the level of office at stake declines. Presidential, gubernatorial, and city commissioner elections receive fair turnout, but the turnout for other offices, such as the state legislature, gets pitifully poor. The variations in turnout between types of elections cuts across both racial and economic lines, although the higher economic areas tend to turn out a large percentage of registered voters to the polls in about the same relative degree in each type of election.

Chart II shows the percentage of voter turnout by socioeconomic/racial groupings for the Mobile City Commission races, 1953 through 1969. As the chart indicates, there is a sizeable difference in turnout in these races when compared by economic level. The turnout in both the low-income black and the low-income white areas remains below the higher economic wards of both races. It may also be noted that the relative turnout in the low economic wards varies according to race as well as economics. To show the correlation in more precise form, when race and turnout are compared within

CHART II

TURNOUT AND SES GROUP, CITY COMMISSION RACES 1953-1969



Source: Official Canvas, Tabulation and Declaration of City Commission Races Held in Mobile County, Alabama, 1953, 1957, 1961, 1965, 1969.

the same economic level by the Spearman Rank Coefficient, the correlation coefficient is .761, indicating a significant relationship between race and turnout. Likewise, when the Spearman statistic is computed for turnout and economic level, the correlation is significantly high at .742. As Table II presents, the correlation between race and turnout and between economics and turnout remains high in each of the City Commission races presented here.

The Spearman correlation remains significant in all the local elections presented in this paper except the 1966 School board Election and the 1969 Special Legislative Race, as is indicated in Table II. These two races represent the appearance of a Negro running for office, a rare occurrence in Mobile politics. In 1966, a black candidate, Dr. W. L. Russel, attempted to gain a seat on the county school board, which is elected in Alabama. The exercise was actually more an attempt to encourage blacks to register and vote than an effort to elect a black office-holder; the black leadership, which gave Russel its full support, realized that he had little real chance of victory, but it was an historical event in Mobile, nevertheless. In the six-man first election, Russel and Henry Sanders, a white candidate, emerged

TABLE II

TURNOUT IN SELECTED ELECTIONS IN MOBILE

GROUP*		A	B	C	D	E	F
CITY COMMISSION RACES							
	1953	.39	.41	.44	.45	.48	.51
	1957	.38	.44	.43	.48	.53	.58
	1961	.37	.43	.41	.51	.54	.61
	1965	.31	.33	.41	.40	.49	.51
PRESIDENTIAL RACES							
	1948	.38	.47	.59	.61	.72	.74
	1952	.59	.67	.69	.73	.82	.83
	1956	.54	.58	.65	.70	.80	.79
	1960	.64	.68	.61	.68	.83	.84
	1964	.72	.78	.69	.71	.86	.83
	1968	.75	.78	.71	.81	.84	.82
GUBERNATORIAL PRIMARIES	1952	.37	.43	.58	.61	.67	.69
	1958	.36	.41	.51	.63	.65	.69
	1962	.39	.45	.58	.63	.68	.74
	1966	.72	.74	.77	.79	.84	.81
	1970	.73	.72	.79	.80	.83	.84
LEGISLATIVE PRIMARIES	1952	.21	.19	.34	.41	.45	.56
	1958	.16	.14	.29	.35	.51	.43
	1962	.29	.38	.47	.56	.57	.61
	1966	.31	.40	.46	.55	.59	.62
	1969 (S)	.71	.74	.75	.77	.80	.79
	1970	.34	.36	.41	.51	.53	.66

*A=Low Income Black Wards
B=Mid Income Black Wards
C=Low Income White Wards
D=Low-Mid Income White Wards
E=Mid Income White Wards
F=High Income White Wards

Source: Official Canvas, Tabulation and Declaration of City Commission Races Held in Mobile County, Alabama, 1953, 1957, 1961, 1965, 1969.

as the top two candidates. In the resultant runoff, Russel was defeated by more than 8,000 votes, but he ran extremely well in the black areas. In fact, the percentage of vote for Russel in each ward corresponded closely to the percentage of Negro voters in that ward. The vote for Russel was almost totally from black areas of the city. This observation remains true today: with a black candidate in the race, the vote will be split precisely along racial divisions of the city.

About the same phenomenon was observed in the 1969 Special Legislative Race. Negro candidates filed to contest each of the two seats being filled by the special election. Clarence Montgomery, principal of St. Elmo High School, ran for one of the seats. Montgomery had been active in local community affairs for several years, and he was especially well-educated, holding a Master of Arts degree from Columbia University Teacher's College. He ran a campaign aimed directly at the black community, but he was arrested for driving while intoxicated during the campaign, and this alienated several of the local black church leaders and hurt his "respectability" in all parts of Mobile. It

was interesting that the arrest made the front page of the local daily, the Mobile Press-Register,[7] an uncommon place for such stories.

T. C. Bell, a local black barber, filed for the other seat. Bell had worked for years with the established Negro leadership in Mobile, but had fallen into disfavor with the militant black leadership, especially Mobel Beasley. His business had been set on fire once and bombed another time. His customers and other barbers in his shop were often intimidated; slowly, his business declined from a six-chair shop to only one chair. Under this type of pressure, Bell showed great courage in seeking public office.

Also running for office (against Bell) was a local insurance executive, W. B. Westbrook. Westbrook ran an openly segregationist campaign, using school integration policies as his major issue. He formed a front organization, Stand Together and Never Divide (S. T. A. N. D.), to sponsor his efforts in the campaign. It is a credit to Mobile that Westbrook received only 6.2 percent of the vote.[8] However,

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[7] The Mobile Press-Register, October 14, 1969, Sec. A, p. 1.

[8] Official Canvas, Tabulation and Declaration of a Special Legislative Election held in Mobile County, Alabama, 1969.

the S.T.A.N.D. organization is still alive and well in Mobile, prospering on attention accrued in its stand against busing. As this is being written, Westbrook has again filed to run for a seat on the school board.

Also in 1969, the Republican party felt strong enough to demand representation in the county's legislative delegation. A local attorney, Bert Nettles, filed for one of two vacant seats in a special 1969 legislative contest. The Democratic party in the county had a candidate who was supported by George C. Wallace, Sage Lyons, whom they wanted elected at any cost. Since two black candidates were filing--one for each seat--it was feared that a head-on confrontation between Nettles and Lyons would result in a plurality for a black in one of the elections. Thus an agreement was reached: Lyons would run for one place; Nettles for the other. In return, the Democratic County Committee agreed that Nettles would face no strong opposition in his contest. Since this was a special election, the Democratic County Committee certified the Democratic candidates without primary elections and could keep their promise not to run a candidate against the Republican, Bert Nettles. This arrangement, however, could not have been made had not

a sizeable number of the County Democratic Executive Committee supported Nettles. Thus, the election of both Nettles and Lyons was insured.

The voting fell into racial divisions, with Montgomery and Bell receiving majorities in each of the black wards. It will be noted, however, that Bell ran considerably behind Montgomery in each of the black regions, indicating the strength of Beasley's opposition to his candidacy. Lyons ran well ahead of Nettles in the race, showing especially his strength in the lower-middle income white wards. But, both Lyons and Nettles did quite well in all areas of the city except the black regions, proving it possible for a Republican to win a seat in the Alabama legislature, a feat deemed impossible until after 1969.[9]

This examination of voting in Mobile reveals that the turnout patterns here follow socioeconomic lines in about the same manner as studies in other areas have revealed. Using Scammon's words, "the unblack, the unpoor, and the unyoung."[10]

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[9] Ibid.

[10] Richard M. Scammon and Ben J. Wittenberg, The Real Majority (New York, 1969), pp. 45-61.

The Pearson computation again reveals the racial implication of the voting. A coefficient of −.92 indicates an almost perfect negative correlation of the number of Negroes in a ward and the vote for Wallace. The economic breakdown is peripherally high at -.43, indicating that Wallace did better in the upper-income areas than in the poorer wards. This is, however, misleading. When the black wards are removed from consideration, a truer picture is presented. A coefficient of .84 is computed, showing that, in the white wards, Wallace did better in the lower-income areas than in the more affluent districts. This is no doubt a reflection of the traditional loyalty of the white middle-class to the Republican party. In any event, Wallace so overwhelmed his opposition in Mobile that the scattered vote for Humphrey and Nixon is virtually meaningless, except in the Negro wards, where Humphrey did very well.

Presidential elections in Mobile have gone in the same direction as have other elections: race has emerged as the greatest issue. To better dramatize that proposition, a closer look will be given to two hypotheses:

1. Negroes have declined in political power in Mobile since the 1960's.

2. An alliance of the "have-nots" against the "haves" has not resulted from larger Negro registration, as V. O. Key suggested might occur.

Figure XVII presents a percentage comparison of the vote in the Mobile elections discussed above, arranged to test the above hypotheses. The percentage difference between votes cast for the winning candidates in the lower-income black wards and the lower-income white wards is indicated. Likewise, this statistic is used to compare the votes cast in the low-middle income black and white wards (groups three and four). Since the income of these groups is relatively the same, a high percentage difference will show a voter choice made on the basis of race, rather than economics.

Hypothesis two is difficult to test, since the relationship between racial composition of the wards and economic level of the area is so closely aligned in Mobile. Figure XVIII, however, presents a comparison of vote between the lower-income white wards and the higher-income white wards. By eliminating black wards from consideration, the influence of race as a factor in the comparison is held at a minimum. The statistics presented in Figure XVII support the hypothesis that black electoral strength has decreased

FIGURE XVII

Comparison of Black/White Voting in Selected Economic Groups

Election		Percentages of Winners					
City Comission		Low Black	Low White	Diff.	Low-Mid Black	Low-Mid White	Diff.
953	Finance	57.63	53.30	4.33	47.50	49.67	1.17
	Works	73.73	68.30	5.43	60.10	67.37	7.37
	Police	57.93	54.10	3.17	53.30		
957	Finance	81.59	54.31	27.19	58.24	51.46	6.78
	Works	83.41	64.38	19.03	75.22	65.64	9.58
	Police	77.54	53.31	25.25	52.16	84.89	32.73
961	Finance	94.31	46.41	47.90	91.30	50.94	40.36
	Works	16.22	48.04	29.82	22.51	55.67	33.16
	Police	14.21	46.56	32.35	31.44	53.26	21.86
965	Finance	89.01	43.29	45.72	87.48	46.73	40.75
	Works	32.11	49.75	17.64	19.30	51.02	31.72
	Police	28.83	82.60	53.77	27.00	78.90	51.90
969	Finance	11.25	53.63	42.38	5.61	65.65	60.04
	Works	34.18	56.91	22.73	19.11	54.12	35.01
	Police	31.38	87.15	55.77	28.17	81.40	53.23
Gubernatorial							
954		87.39	83.58	3.81	82.19	79.82	2.37
958		14.61	45.70	28.09	37.15	54.21	17.04
962		13.51	43.90	30.39	46.00	52.81	6.81
966		9.04	61.05	52.01	6.71	54.14	47.43
970		7.41	86.31	78.90	1.04	73.08	72.04

490a

120

FIGURE XVII (continued)

Election		Percentages of Winners					
Presidential		Low Black	Low White	Diff.	Low-Mid Black	Low-Mid White	Diff.
1948		80.96	78.60	2.36	80.50	78.42	2.08
1952		43.74	49.00	5.26	39.40	55.18	15.78
1956		45.73	51.10	5.37	42.20	58.37	15.17
1960		73.26	67.15	5.11	58.90	53.27	5.63
1964		9.31	84.60	75.29	1.01	75.91	74.90
1968		8.10	85.80	77.70	1.13	74.90	73.77

Source: Probate Court Records

491a

121

since the 1960's. The observation is clear: with the exception of city commissioner Joseph Langan, no candidate who has won a majority in the black wards of Mobile has also carried a majority in the entire city since 1960. As the Figure indicates, before 1960, the difference between black and white voter choice is not greatly significant in most races when economic level is held constant. While the black vote was disproportionately small compared to the number of Negroes residing in Mobile, their votes were often important enough to be sought. Since 1960, this has not been true; identification with the black wards is the "kiss of death" for an office-seeker in Mobile. The black voters constitute such a visible and emotional issue to Mobile's white voters that any identification with blacks in Mobile will produce a reaction by white voters and defeat the black-supported candidate. Thus, while the numbers of blacks voting has increased, the relative importance of the black vote is less than before the civil rights movement of the 1960's.

Race is perhaps the reason that there is little deviation in voting by whites regardless of economic level in the city of Mobile. Figure XVIII presents a comparison of the vote between the lowest income and the highest income white

Figure XVIII

Comparison of Low/High Income White Wards in Mobile Voting

Election	Percentages of Winners		
City Commission	Low White	High White	Diff.
1953 Place One (Finance)	53.30	52.40	.90
Place Two (Works)	68.30	65.80	2.50
Place Three (Police)	59.10	53.15	5.95
1957 Place One	54.31	51.13	3.18
Place Two	64.38	66.83	2.45
Place Three	52.31	33.41	18.90
1961 Place One	46.41	51.62	5.21
Place Two	46.04	63.14	17.10
Place Three	46.56	61.75	15.12
1965 Place One	43.29	44.63	1.34
Place Two	49.75	54.70	4.95
Place Three	82.60	78.86	3.74
1969 Place One	53.63	50.78	2.85
Place Two	56.91	56.90	.01
Place Three	87.15	74.13	13.02
Gubernatorial			
1954	83.50	77.84	5.74

FIGURE XVIII (continued)

Election	Percentages of Winners		
	Low White	High White	Diff.
Gubernatorial			
1950	45.70	59.12	13.42
62	43.90	40.90	3.00
1966	61.05	52.11	8.94
1970	86.31	68.98	17.33
Presidential			
1948	78.60	75.25	3.35
1952	49.00	53.40	4.40
1956	51.10	55.60	4.50
1960	67.15	39.06	28.09
1964	84.60	73.14	11.46
1968	85.80	67.16	18.64

Source: Probate Court Records

wards. The figures presented here indicate that there is no major difference in voting patterns between low and high income white areas in Mobile.

Except for the 1957 and 1961 city commission races for Place Three (Public Works Commissioner), and the 1964 Place Two (Police Commissioner) race, there have been no major differences in voting between the groups in city commission races. Both of these races involved Commissioner Hackmeyer, who, as previously mentioned, attempted a low-income black and low-income white alliance. He was successful, as figures indicate, in gaining support from this alliance, but it did not produce enough votes to keep him in office after the 1957-1961 term.

The 1961 Police Commissioner race (Place Two) also shows some variation between groups (17.10 percent). This can most likely be explained by the candidacy of McNally, a Republican, who drew disproportionate strength from the traditional Republican areas--the upper-income wards. After 1961, the local elections show no major difference in white wards of high or low income. This indicates that the choice of voters was determined by something other than economics.

The gubernatorial and presidential contests show little difference in economic level after 1960. True, the Democratic ticket in 1960 (Kennedy) and in 1968 (Wallace) did fare better in the low-income white wards than in the upper-income white areas, but this can be explained by the traditional support for the Republican presidential candidate in these areas. The 17.33 percent difference in the 1970 gubernatorial primary is due probably to the Wallace appeal to race, which had more support in the low-income areas than in the high. But, even in the upper-income areas, Wallace won a landslide 68.98 percent of the popular vote.

Thus, this examination of the vote reveals that an alliance of the "have-nots," cutting across racial lines, against the "haves" has not materialized in Mobile, nor is one likely. Likewise, the position of the black vote in Mobile is becoming more and more tenuous. Presently, identification with the black vote spells defeat for any candidate in Mobile. In practical terms, this means that blacks have less influence than they had before the 1960's, and that candidates for office are able to ignore black interests and still be elected. It is ironic that the

civil rights movement--which intended to increase black political power in the South--has had the reverse effect in Mobile.

and social difference involved. However, if, as seems to be the trend, the national Democratic party continues to force the state and local parties to accept more black members on the committees and delegations, and if the blacks in Mobile continue to use the Democratic party as the vehicle for their political goals, it is likely the Republican party can forge an all white coalition. Whites of the higher economic levels in Mobile will probably continue to be more civic-minded than those of the lower income groups. Yet, this should not prevent a political alliance of convenience for both groups. Political considerations may overcome social differences and aid in the formation of an all-white, racially conservative Republican party.

The obstacle to Republican supremacy in Mobile lies with George C. Wallace. Wallace presents the ideal combination of economic liberalism and racism that apparently appeals to the working class white Mobilians. If he can salvage the Alabama Democratic party and insure that it continues in his mold, the state Democratic party will remain strong.

In any event, the Negro is the loser. As figures in the preceding chapter show, the Negro is a political liability in Mobile today. Whichever party emerges as the

majority party in Mobile, the Negro will be excluded. A white voting coalition will remain consistently supreme in Mobile.

CHAPTER VI

CONCLUSIONS

The role of the black vote has changed dramatically in Mobile since 1960. Prior to the 1960's, the black vote was disproportionately small as compared to the Negro population of the city. Yet, this small, well-controlled black vote was used effectively in coalitions with white candidates. While elections could not be won solely on the strength of the black vote, blacks did enjoy power in close elections where a bloc vote could make the difference. Apparently, as long as the black vote was small and highly sought-after by candidates, there was no real white reaction to candidates receiving black support. This can be seen by the data presented in this paper, which show that prior to 1960, in each election studied, the candidate receiving a majority in the city as a whole also received a majority in the black wards. Figures comparing black and white voting patterns prior to 1960 show little deviation on the basis of race, except in elections such as the 1958 gubernatorial primary, where race was a major campaign issue. In local

elections, race was not a major issue and the Negro was an politically invisible entity.

The 1960's produced bold differences in Mobile political patterns. Since World War II, industrialization has greatly increased in Mobile and with it the migration of people from the surrounding rural counties. The rise of a large working class in Mobile created an environment for competitive politics. The position of the Negro in Alabama politics is of importance equal to industrialization and urbanization. Cosman,[1] in his examination of the 1964 presidential election, found white reaction to blacks to be stronger in the five Deep South states, and more prominent where the black population approached thirty percent. That race is a major factor strong enough to override economic issues is supported by the data presented in this paper. Were the race issue not present, a voting coalition representing economic groups might have evolved in Mobile. As V. O. Key observed, ". . . the South takes positions in mass opinion on broad questions of policy (not involving race) remarkably similar to those of the nation."[2]

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[1] Cosman, op. cit., p. 121.

[2] Key, Public Opinion and American Democracy (New York, 1961), p. 104.

The civil rights movement of the 1960's changed the Negro's role in the South and in Mobile. With the institutions of segregation breaking down, Negroes began to make more demands upon society. Those demands culminated nationally in the passage of the Civil Rights Act of 1964, which allows blacks equal access to public accommodations, and the Voting Rights Act of 1965, which insures Negroes the right to register and vote. In the face of Negro demands, whites in Mobile united politically. The Negro became a highly emotional and visible issue.

The consequences of Negro visibility in Mobile can be briefly summed up by observing that, since 1960, only one candidate has carried the black wards in Mobile and also won a majority of the city as a whole. The Negro is such a visible issue that any identification with the black community will result in a white reaction and defeat the black-supported candidate. Thus, while the numbers of blacks voting in Mobile have increased sharply since 1960, the power of blacks to positively influence elections has decreased.

The alliance of the "have-nots" which Key, Heard, Daniel, and Middleton foresaw in their predictions has not come about

in Mobile. The idea of a "populist" alliance of the lower-income groups is both logical and attractive, but it has not occurred here. The only semblance of such an alliance in Mobile came in 1957, when Hackmeyer was elected by carrying the low-income wards of Mobile, cutting across racial lines. But this was prior to Negroes becoming highly visible in Mobile politics, and it was also partly caused by a five-man race which greatly split up the white middle-class vote. Hackmeyer was not able to maintain this alliance and was defeated the next election.

A populist alliance based on the concept of New Deal coalitions has simply eluded Mobile. This city has no traditional progressive voting bloc, such as the ethnic groups of the north. As data in this paper indicate, the low-income groups in Mobile have been badly split politically since the 1960's. The black voters are Mobile's liberals, as is manifested by their support of the national Democratic party ticket and the more moderate state and local candidates, such as Albert Brewer and Joseph Langan.

The low-income whites have failed to respond to the liberalism of the 1960's. National programs intended to raise the standard of living of persons in this economic class have

LOG DRIVE CART SPEC CART AVAIL PHY DRIVE
0000 0001 0001 0000

V2 M11 ACTUAL 8K CONFIG 8K

// EXEC STATS 1

*FILE512:STUDT1

NOTED THAT RECORD RECEIVED ON MAY 29/1982

Plaintiff's Exhibit 10

ORIGINAL DATA

0.0500	963.0000	0.7630
0.0300	1260.0000	0.2730
0.0500	1882.0000	0.1740
0.1100	2894.0000	0.0860
0.2500	4858.0000	0.1860
0.2700	4260.0000	0.1440
0.3200	1881.0000	0.1930
0.1700	4710.0000	0.1050
0.3000	3733.0000	0.2300
0.9700	1140.0000	0.9880
[illegible]	[illegible]	0.1870

0.0100	4421.0000	0.5890
0.1700	1642.0000	0.1520
0.6000	2698.0000	0.2990
0.3700	2526.0000	0.2900
0.1300	2284.0000	0.1010
0.1200	4462.0000	0.1070
0.1400	3947.0000	0.1160
0.1300	3412.0000	0.1320
0.1400	2723.0000	0.1410
0.9900	1782.0000	0.3260
0.1900	2237.0000	0.1380
0.8900	1232.0000	0.6970
0.9000	1415.0000	0.7090
0.0900	1963.0000	0.0730
0.1100	1581.0000	0.0820
0.1400	2259.0000	0.1120
0.1300	3682.0000	0.1210
0.1400	3195.0000	0.1190
0.1000	3480.0000	0.1130
0.1300	2361.0000	0.1270

NUMBER OF VARIABLES OBSERVED = 3

NUMBER OF VARIABLES USED IN THE ANALYSIS = 3

```
NUMBER OF VARIABLES OBSERVED = 3          NUMBER OF VARIABLES USED IN THE ANALYSIS = 3

NUMBER OF OBSERVATIONS= 30

THE DEPENDENT VARIABLE IS NUMBER 3


AVERAGES
VAR( 1)=      0.3706; VAR( 2)=   2604.7000; VAR( 3)=      0.2562

STANDARD DEVIATIONS
VAR( 1)=      0.3280; VAR( 2)=   1109.1649; VAR( 3)=      0.2399

SIMPLE CORRELATION COEFFICIENTS
VARS( 1, 1)=  0.999; VARS( 1, 2)= -0.493; VARS( 1, 3)=  0.839
VARS( 2, 2)=  1.000; VARS( 2, 3)= -0.442




STEP NUMBER  1                                  ENTER VARIABLE  1
STANDARD ERROR OF ESTIMATE=          0.13278
MULTIPLE CORRELATION COEFFICIENT =  0.8392
COEFFICIENT OF DETERMINATION =  0.7042
F VALUE; (D.F.   1,  28)=          66.682
CONSTANT TERM=       0.0287

VAR          COEFF        STD DEV      T VALUE     BETA COEFF
                           COEFF
  1          0.6138       0.0751        8.1659       0.8392



STEP NUMBER  2                                  ENTER VARIABLE  2
STANDARD ERROR OF ESTIMATE=          0.13498
MULTIPLE CORRELATION COEFFICIENT =  0.8398
COEFFICIENT OF DETERMINATION =  0.7053
F VALUE; (D.F.   2,  27)=          32.511
```



```
                                                ENTER VARIABLE  3
STANDARD ERROR OF ESTIMATE=          0.13498
MULTIPLE CORRELATION COEFFICIENT =  0.8398
COEFFICIENT OF DETERMINATION =  0.7053
F VALUE; (D.F.   2,  27)=          32.511
CONSTANT TERM=       0.0568

VAR          COEFF        STD DEV      T VALUE     BETA COEFF
                           COEFF
  1          0.6004       0.0870        6.9241       0.8209
  3         -0.0068       0.0068       -0.9988      -0.0570
```

VOTE FOR RUSSELL SCHOOL BOARD DEMO RUNOFF MAY 1996

Plaintiffs Exhibit 19

ORIGINAL DATA

510a

0.6874	1494.0000	0.8730
0.3312	2330.0000	0.3970
0.1956	2646.0000	0.1090
0.0000	3113.0000	0.0480
0.0530	2648.0000	0.0930
0.4115	1798.0000	0.2190
0.1437	1905.0000	0.1040
0.1307	1939.0000	0.1220

NUMBER OF VARIABLES OBSERVED = 3 NUMBER OF VARIABLES USED IN THE ANALYSIS = 3

NUMBER OF OBSERVATIONS= 46

THE DEPENDENT VARIABLE IS NUMBER 3

AVERAGES
VARI 1)= 0.3397, VARI 2)= 2646.6521, VARI 3)= 0.3479

STANDARD DEVIATIONS
VARI 1)= 0.3940, VARI 2)= 1170.6889, VARI 3)= 0.3203

SIMPLE CORRELATION COEFFICIENTS
VARS(1, 1)= 1.000, VARS(1, 2)= -0.364, VARS(1, 3)= 0.959
VARS(2, 2)= 0.999, VARS(2, 3)= -0.298

STEP NUMBER 1 ENTER VARIABLE 1
STANDARD ERROR OF ESTIMATE= 0.09083
MULTIPLE CORRELATION COEFFICIENT = 0.9599

511a

STEP NUMBER 2 ENTER VARIABLE 2
STANDARD ERROR OF ESTIMATE= 0.08566
MULTIPLE CORRELATION COEFFICIENT = 0.9638
COEFFICIENT OF DETERMINATION = 0.9328
F VALUE= (0,F, 2, 43)= 298.499
CONSTANT TERM= -0.0613

VAR	COEFF	STD DEV COEFF	T VALUE	BETA COEFF
1	0.9868	0.0364	25.9649	1.0016
2	0.0000	0.0000	2.6964	0.1164

STEP NUMBER 1
STANDARD ERROR OF ESTIMATE= 0.09083
MULTIPLE CORRELATION COEFFICIENT = 0.9599
COEFFICIENT OF DETERMINATION = 0.9214
F VALUE= (0,F, 1, 44)= 516.166
CONSTANT TERM= 0.0393

VAR	COEFF	STD DEV COEFF	T VALUE	BETA COEFF
1	0.8690	0.0362	22.7192	0.9599

513a

0.0530	3646.0004	0.1310
0.1397	1959.0002	0.1700
0.1437	1905.0002	0.1130
0.0000	3113.0004	0.0960
0.1936	3646.0004	0.2490
0.3912	2330.0004	0.3250
0.0674	1496.0002	0.0460
0.4956	2377.0004	0.3550
0.2493	2099.0004	0.1850
0.0150	3106.0004	0.1780
0.0004	2937.0004	0.1940
0.0008	4197.0009	0.1560
0.0043	3244.0004	0.1660
0.9995	1109.0002	0.9550
0.0509	6749.0009	0.9520
0.0011	2561.0004	0.2130
0.0934	3400.0004	0.1920
0.0336	3196.0004	0.1870
0.0574	3602.0004	0.1650
0.2546	2259.0004	0.2320
0.2691	1501.0002	0.1460
0.2356	1963.0002	0.1170
0.9165	1419.0002	0.0910
0.9477	1232.0002	0.9200

512a

RUNOFF PRIMARY JUNE2 1970 JACOBS

Plaintiffs Exhibit 34

1-1585

ORIGINAL DATA

0.9836	0963.0001	0.9200
0.9823	1988.0002	0.9350
0.9594	1882.0002	0.0470
0.0027	2994.0004	0.1770
0.1197	4038.0004	0.2660
0.0213	4260.0009	0.2560
0.2972	1981.0002	0.2890
0.0358	4716.0009	0.2010
0.2235	3243.0004	0.3290
0.9952	1164.0002	0.9430
0.1465	4421.0009	0.7320
0.2936	1842.0002	0.2660
0.7043	1698.0002	0.9290
0.3235	2524.0004	0.3490
0.0218	3284.0004	0.1340
0.0009	4462.0009	0.1800
0.0000	3547.0004	0.1760
0.0212	3412.0004	0.1570
0.8492	2723.0004	0.1350

```
 NUMBER OF VARIABLES OBSERVED = 3        NUMBER OF VARIABLES USED IN THE ANALYSIS = 3

 NUMBER OF OBSERVATIONS= 46

 THE DEPENDENT VARIABLE IS NUMBER 3

 AVERAGES
 VAR  1:=        0.31283; VAR  2:=     2644.65222; VAR  3:=        0.2756

 STANDARD DEVIATIONS
 VAR  1:=        0.3993; VAR  2:=     1170.47877; VAR  3:=        0.3016

 SIMPLE CORRELATION COEFFICIENTS
 VAR  1; 1:= 1.000; VAR  1; 2:= -0.6931; VAR  2; 2:= 1.000; VAR  1; 3:= 0.000
 VAR  2; 1:= 1.000; VAR  2; 2:= -0.870

                                ENTER VARIABLE 1  ?
 STEP NUMBER  1
 STANDARD ERROR OF ESTIMATE=          0.16181
 MULTIPLE CORRELATION COEFFICIENT =   0.9430
 COEFFICIENT OF DETERMINATION =       0.7160
 F VALUE; ID.F.  1,  45:=           111.378
 CONSTANT TERM=                       0.1481

 VAR          COEFF        STD DEV     T VALUE    BETA COEFF
                           COEFF
  1          0.7289       0.0690       10.5596       0.8465

                        CRITICAL STUDENT T VALUES

                        DEGREES OF FREEDOM =  45

 1-TAIL LIMITS   0.100    0.050    0.025    0.010    0.005

 TABLE VALUES    1.301    1.680    2.015    2.410    2.692
```



```
                                ENTER VARIABLE  2
 STEP NUMBER  2
 STANDARD ERROR OF ESTIMATE=          0.09935
 MULTIPLE CORRELATION COEFFICIENT =   0.9467
 COEFFICIENT OF DETERMINATION =       0.8963
 F VALUE; ID.F.  2,  451=           185.881
 CONSTANT TERM=                      -0.5602

 VAR          COEFF        STD DEV     T VALUE    BETA COEFF
                           COEFF
  1          1.0779       0.0546       19.6346       1.2516
  2          0.0001       0.0000        6.6179       0.8661

                        CRITICAL STUDENT T VALUES

                        DEGREES OF FREEDOM =  45

 1-TAIL LIMITS   0.100    0.050    0.025    0.010    0.005

 TABLE VALUES    1.301    1.680    2.015    2.410    2.692

 // END STATS   1
 *FILE(12,STUDU)
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SCHOOL BOND PLACE 1 JUNE REDOUP 1970 PERCENT STILL RECEIVED

Plaintiffs Exhibit 53

ORIGINAL DATA				
0.6440	1792.0002	0.0900		
0.9100	1812.0002	0.9700		
0.9040	1267.0002	0.9000		
0.9040	1445.0002	0.8740		
0.6970	1092.0002	0.9390		
0.6960	2995.0004	0.2780		
0.0000	2712.0004	0.2880		
0.2700	3084.0004	0.4470		
0.0040	2930.0004	0.2940		
0.0070	2930.0004	0.2890		
0.0760	4444.0009	0.4720		

0.0000	1113.0004	0.1110				
0.0270	2018.0002	0.0110				
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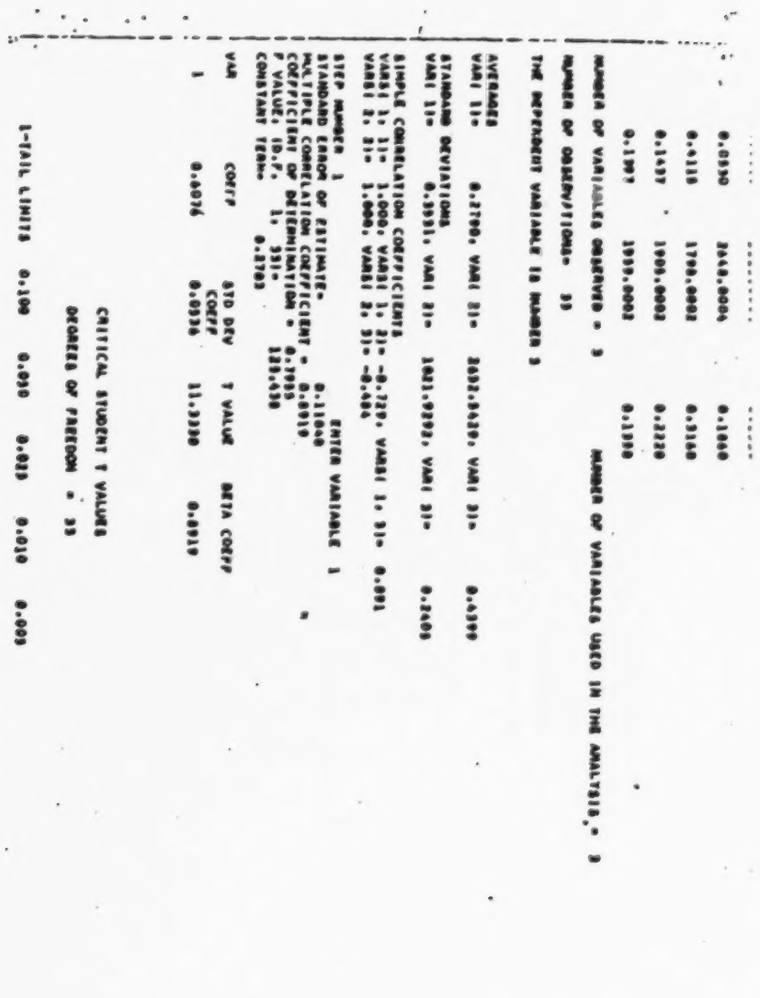


	0.0150	2048.0004	0.1000	
	0.4118	1798.0002	0.3160	
	0.1457	1998.0002	0.2220	
	0.1967	1999.0002	0.1350	

NUMBER OF VARIABLES OBSERVED = 5 NUMBER OF VARIABLES USED IN THE ANALYSIS = 5

NUMBER OF OBSERVATIONS= 33

THE DEPENDENT VARIABLE IS NUMBER 5

AVERAGES				
VAR(1)=	0.2760.	VAR(2)=	2032.6420.	VAR(3)= 0.4999
STANDARD DEVIATIONS				
VAR(1)=	0.3931.	VAR(2)=	1821.9292.	VAR(3)= 0.2408

SIMPLE CORRELATION COEFFICIENTS

VAR(1):	1.000.	VAR(2):	-0.229.	VAR(3)= 0.091
VAR(2):	1.000.	VAR(2):	-0.000	

STEP NUMBER 1 ENTER VARIABLE 1

STANDARD ERROR OF ESTIMATE= 0.11040

MULTIPLE CORRELATION COEFFICIENT = 0.6010

COEFFICIENT OF DETERMINATION = 0.7995

F VALUE: 10.F: 1; 331= 125.030

CONSTANT TERM= 0.2703

VAR	COEFF	STD DEV COEFF	T VALUE	BETA COEFF
1	0.6036	0.0536	11.2330	0.8010

CRITICAL STUDENT T VALUES

DEGREES OF FREEDOM = 33

1-TAIL LIMITS	0.100	0.050	0.025	0.010
				0.005

— Plaintiffs Exhibit 53

CITY COMMISSION

includes these tests

Voyles Pearsons r

1953	1. Langan	2. Luscher Sr.	3. Hacknayer
Income	.38	.52	.41
Race	.41	.69	.34
1957	1. Langan	2. Luscher Sr.	3. Hacknayer
Income	.64	.89	.84
Race	.52	.38	.25
1961	1. Langan	2. McNally	3. Trismeier
Income	.32	.83	.81
Race	.71	.81	.82
1965	1. Langan	2. Mims	3. Outlaw
Income	.47	.93	.43
Race	.93	.96	.92
1969	1. Langan	2. Mims	3. Doyle
Income	.44	.90	.41
Race	.91	.95	.87
1973	1. Greenough/Bailey		2. Mims
Race	.79		.71

1 - Race is Variable unless stated

Regression - the numbers are circled on the chart.

1965	No.	Candidate	Coef.[1]	Data Base
	1	Langan	.71	Ours
	2	Mims	.67	Ours
	3	Outlaw	.77	Ours
	1	Langan	.86	Voyles
	2	Luscher	.67	Voyles Ours
1969				
	1	Langan	.74	Ours
	2	Luscher	.78	Ours
	3	Doyle(run-off)	.38	Ours
	1	Bailey	.82	Voyles
1973				
	1	Bailey(run-off)	.51	Ours
		Smith	.83	Ours
		Taylor	.90	Ours
		Albert	.80	Ours
	1	Greenough	.39	Voyles

Referendum

1963		.58	Our
		.80	Voyles 1960 Data
1973		.80	Our

School Board

1970	Jacobs (runoff)	.87	Voyles
	Jacobs (")	.84	Ours
1972	Koffer (")	.83	Voyles
1974	Gill (runoff)	.89	Ours

Clarence Montgomery - legislative race 1969 not included - race tested at .85.

COUNTY COMMISSION

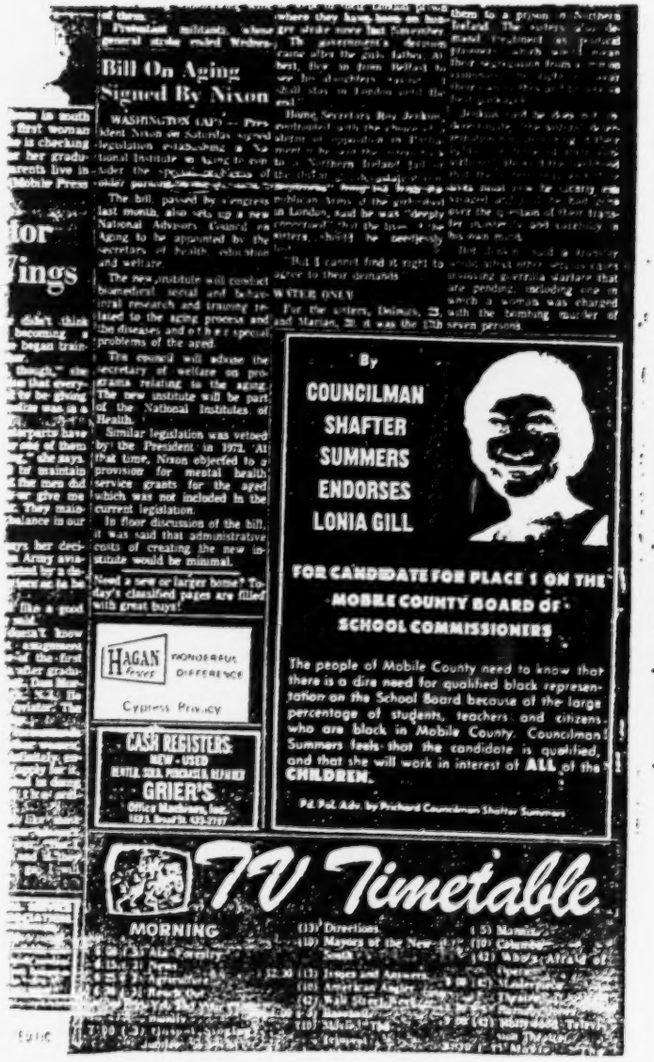
Regression		Candidate		Coef.	Data Base	
1968						
All Wards		1	Yeager	.46	Ours -	Gen.Elec.
"		2	Smith	.17*	"	"
"		3	Stevens	.06	"	"
City Wards		1	Yeager	.51	"	"
"		2	Smith	.10*	"	"
"		3	Stevens	.08	"	"
All Wards	'68 Run-off	1	Yeager	.78	Voyles	Primary
"	" "	2	Smith	.73	"	"
"	" "	3	Stevens	.90	"	"
1972						
All Wards		1	Yeager	.31	Ours	Gen.Elec.
"		2	Smith	.83	"	"
"		3	Haas	.81	"	"
City Wards		1	Yeager	.33	"	"
"		2	Smith	.84	"	"
"		3	Haas	.82	"	"
All Wards			Langan	.85	Voyles	Primary
"			Mrs. Stevens	.35	"	"
"			Cappe	.66	"	"

Additional School Board Races

1962 Run-off	Goode	.83	Voyles	1960 DATA
1966 Run-off	Russell	.95	Voyles	

* Testing Income

6-B Press Register
Mobile, Sunday June 2, 19.



Bill On Aging Signed By Nixon

WASHINGTON (AP) — President Nixon on Saturday signed legislation establishing a National Institute on Aging to work under the [illegible]

The bill, passed by Congress last month, also sets up a new National Advisory Council on Aging to be appointed by the secretary of health, education and welfare.

The new institute will conduct biomedical, social and behavioral research and training related to the aging process and the diseases and other special problems of the aged.

The council will advise the secretary of welfare on programs relating to the aging. The new institute will be part of the National Institutes of Health.

Similar legislation was vetoed by the President in 1972. At that time, Nixon objected to a provision for mental health service grants for the aged which was not included in the current legislation.

In floor discussion of the bill, it was said that administrative costs of creating the new institute would be minimal.

WATER ONLY

By COUNCILMAN SHAFTER SUMMERS ENDORSES LONIA GILL

FOR CANDIDATE FOR PLACE 1 ON THE MOBILE COUNTY BOARD OF SCHOOL COMMISSIONERS

The people of Mobile County need to know that there is a dire need for qualified black representation on the School Board because of the large percentage of students, teachers and citizens who are black in Mobile County. Councilman Summers feels that the candidate is qualified, and that she will work in interest of ALL of the CHILDREN.

Pd. Pol. Adv. by Prichard Councilman Shafter Summers

HAGAN HONORABLE DIFFERENCE Cypress Privacy

CASH REGISTERS NEW - USED RENTAL SALE PURCHASE REPAIRS GRIER'S Office Machines, Inc.

TV Timetable

MORNING

JUN

8-A Register & Press
Mobile, Saturday June 1, 1

Unique U.S. Map Comprises Indigenous Soils

By LOUIS ZADECKER II
Press-Register Reporter

A retired Florida drawbridge operator with a yen for travel has spent the past five years creating a most unusual map of the United States.

George M. Novatney, 68, of 2513 Daniels Road, Mobile, has carefully constructed a three-by-four foot map of the United States, including Alaska and Hawaii, from samples of dirt obtained from each of the 50 states.

Novatney, a former resident of Miami, Fla., collected soil samples from Texas, New Mexico, Arizona, Nevada, California, Colorado, Utah, Alabama and Florida during vacation trips. Friends supplied samples from other states they visited.

For distant states, Novatney used an ingenious method to get his samples. "In the Miami newspaper's Sunday roto section," he explained, "there was a 'riddle box' that carried the names and addresses of those submitting jokes. I would send them a stamped, self-addressed envelope requesting dirt from their backyards."

ALL 50 STATES

Eventually, Novatney accumulated samples from all 50 states, including one postmarked North Pole, Alaska. He then decided to create a mapmusing the samples to represent the states.

"I first traced a map of the United States," said Novatney, "on this table. I used plastic wrapping bands from cartons to outline the individual states. Then, I rested the soil samples with glue and poured onto the map."

The finished map is striking. The different and textures of dirt are misleading, especially from the Southwest.

Novatney plans to put plexiglas top over the map for protection. Then, he will use as a "conversation piece" coffee table" in his den.

Faulkner Registration Scheduled

BAY MINETTE, Ala. — Registration for the 1974 James H. Faulkner State Junior College summer session will be held on June 12 in the Ernest Stone Classroom Building, Dr. Burton C. Beck, dean of instruction, has announced. Registrations will begin at 8 a.m.

Classes will begin June 13, and the schedule will be from 8 a.m. to 1 p.m. The various departments will include the following courses:

Business department: economics, management, shorthand, basic typewriting, and business and professional writing.

Language Arts Department: English composition, literature, English literature, public speaking.

Mathematics Department: Basic math, introduction college math, algebra, trigonometry.

Natural Science Dept.: ogy, zoology, botany, chemistry and chemistry.

Physical Education Department: Tennis, softball, track.

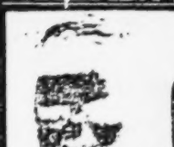
Social Science Dept.: history, U.S. history, psychology and sociology.

Technical Dept.: Landscape gardening, grain crop production, programming, lab and dental assisting.

Inflation Seen Averaging Ou

NEW YORK (AP) — Wilbur Mills, chairman House Ways and Means mittee, predicted Friday the rate of inflation will age out at 12 per cent a y

The Arkansas Democra during a visit at City Ha he foresees a further in in interest rates and a tion in national growth a sult of the inflationary sp



WHERE I STAND...

★ A return to the neighborhood school concept when the Federal Court busing orders expire this year.

★ An open-door policy so that any group or individual can come before the board and be heard without the present "red-tape"

DAN ALEXANDER
SCHOOL BOARD—PLACE 1
"A Man Who Cares About Your Child's Education"

Pd Pol Adv by Dan Alexander Mobile

WHY?

Bill Roberts filed his complete financial disclosure statement with the State Ethics Commission well before the original deadline set by the State Ethics Law. Both his and his family's business affairs have been a matter of public record for some time.

As of the statement of this ad (well past the original deadline) the Ethics Commission has yet to receive a financial disclosure state... from Maurice Downing.

JOHN LeFLORE

GERRE KOFFLER

WHO WILL RUN YOUR SCHOOLS?

GERRE KOFFLER FACTS:

RUNNING FOR PLACE NO. 3, SCHOOL BOARD COMMISSION, MAY 30th.

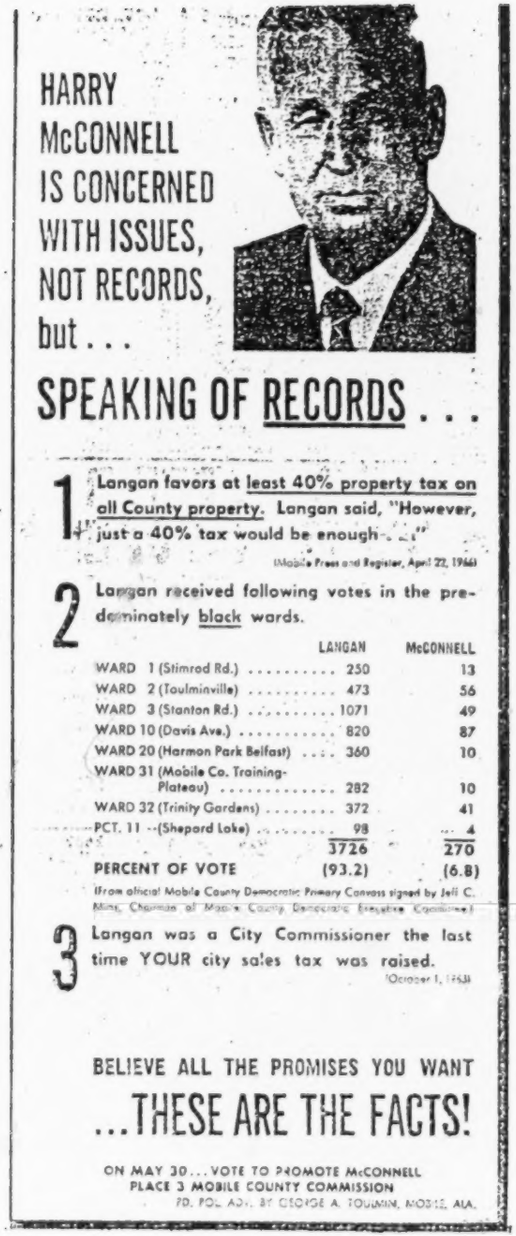
1. SIGNED AGREEMENT WITH NAACP TO ACHIEVE TOTAL INTEGRATION WITH TOTAL BUSING.
2. VERY ACTIVE IN THE MILITANT ORGANIZATIONS ACT, NAACP, NOW, NON-PARTISAN VOTERS LEAGUE, LEAGUE OF WOMEN VOTERS.
3. HAS ENTERTAINED BLACKS IN HER HOME.
4. HAS BEEN SEEN AND PHOTOGRAPHED IN COMPANY OF BLACK MALES.
5. UNDER INSTRUCTION OF ALBERT J. FOLEY IN THE CIVIL RIGHTS SCHOOL CURRENTLY.
6. POLLED 92% OF BLACK VOTE IN MAY 2, PRIMARY.

MAY 2 BLOCK VOTE

WARDS	Koffler	Sessions	Langan	McConnell
3 STANTON ROAD	746	170	1,071	49
10 DAVIS AVE.	529	123	820	87
31 PLATEAU	270	22	282	10
32 TRINITY GARDENS	320	24	372	41

PLEASE VOTE MAY 30

OFFICIAL D.B.E. REPORT DATE SIGNED MOBILE, ALA.



HARRY McCONNELL IS CONCERNED WITH ISSUES, NOT RECORDS, but . . .

SPEAKING OF RECORDS . . .

1. Langan favors at least 40% property tax on all County property. Langan said, "However, just a 40% tax would be enough . . ."

(Mobile Press and Register, April 22, 1966)

2. Langan received following votes in the predominately black wards.

	LANGAN	McCONNELL
WARD 1 (Stimrod Rd.)	250	13
WARD 2 (Toulminville)	473	56
WARD 3 (Stanton Rd.)	1071	49
WARD 10 (Davis Ave.)	820	87
WARD 20 (Harmon Park Belfast)	360	10
WARD 31 (Mobile Co. Training-Plateau)	282	10
WARD 32 (Trinity Gardens)	372	41
PCT. 11 --(Shepard Lake)	98	4
	3726	270
PERCENT OF VOTE	(93.2)	(6.8)

(From official Mobile County Democratic Primary Canvass signed by Jeff C. Mims, Chairman of Mobile County Democratic Executive Committee.)

3. Langan was a City Commissioner the last time YOUR city sales tax was raised.

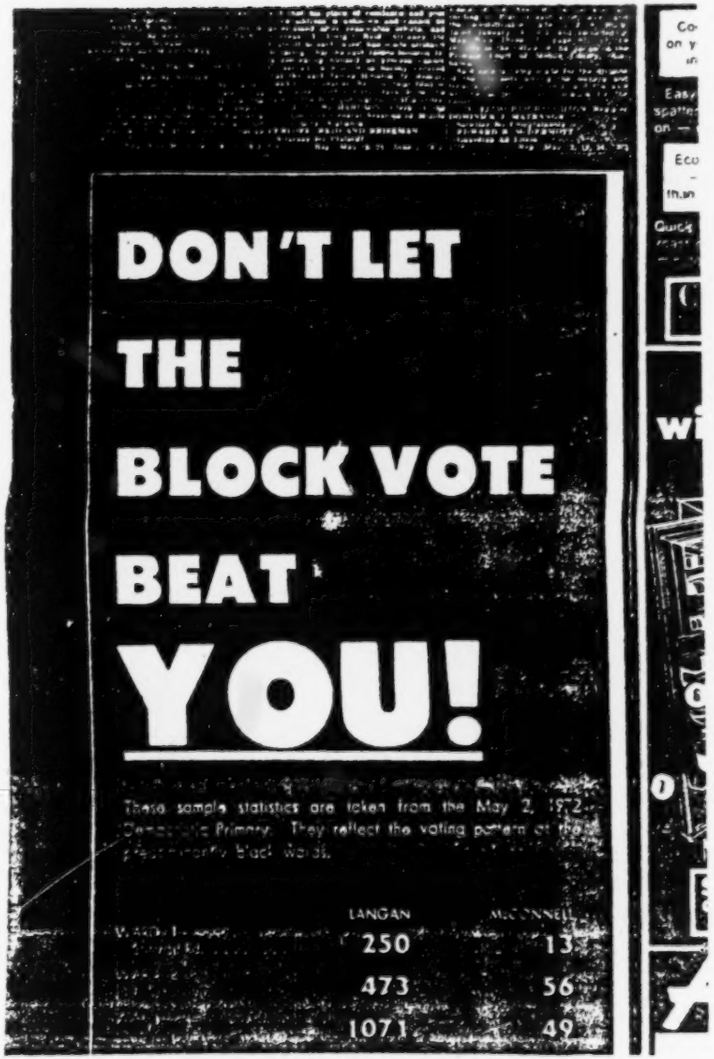
(October 1, 1963)

BELIEVE ALL THE PROMISES YOU WANT

...THESE ARE THE FACTS!

ON MAY 30... VOTE TO PROMOTE McCONNELL
PLACE 3 MOBILE COUNTY COMMISSION
PD. POL. ADV. BY GEORGE A. TOULMIN, MOBILE, ALA.

2-B Mobile Register
Friday May 26, 1972



DON'T LET THE BLOCK VOTE BEAT YOU!

These sample statistics are taken from the May 2, 1972 Democratic Primary. They reflect the voting pattern of the predominantly black wards.

	LANGAN	McCONNELL
WARD 1	250	13
	473	56
	1071	49

2-B Mobile Regis
(Friday May 26, 19

BEAT YOU!

	LANGAN	McCONNELL
WARD 1	250	13
WARD 2	473	56
WARD 9	1071	49
WARD 10	820	87
WARD 20	360	10
	282	10
	372	41
PCT. 11	98	4
TOTALS	3726	270
PERCENT OF VOTE	(93.2)	(6.8)

IT WILL TAKE YOUR VOTE ON MAY 30
TO BEAT THE BLOCK VOTE IN PLACE 3!

6-A Press Register
Mobile Sunday May 21, 19 72

...der, escaped from Draper Correctional Center Saturday in a state truck, officials said.
The escapees were identified as Joseph P. Cornelison, 40, sentenced from Mobile County to a life term for first degree murder, and Robert Warren Smith, 47, sentenced from Chilton County to 20 years for robbery.

...Kittrell, also of Rome, passengers in Myers' car, were hospitalized.
John A. Beech, 30, of Ellisville, was killed about 4:10 a.m. Saturday morning near Moselle on Highway 11, officers said he was rushed to a Hattiesburg hospital by helicopter ambulance but was dead on arrival.

...by discredited without my knowledge.
I am indebted to Rep. Callahan for this opportunity to ... myself fortunate to ... portunity to make ... upon this sole ... original letter.
CRAIG T. SHELDON
President Sav... Bo...
Glen Ellyn, Ill.

RE-ELECT HOMER L. SESSIONS
FOR PLACE THREE
Board of School Commissioners

- HOMER L. SESSIONS educated his children (Jerry and Sandra) in Mobile County public schools.
- HOMER L. SESSIONS favors: Continues to support concept of neighborhood schools and is opposed to forced busing for the sole purpose of racial balance.
- HOMER L. SESSIONS is a former official of one of the world's largest corporations.
- Mobile County School Board budget is the largest budget in Mobile County.
- Keep an experienced business man on the board.

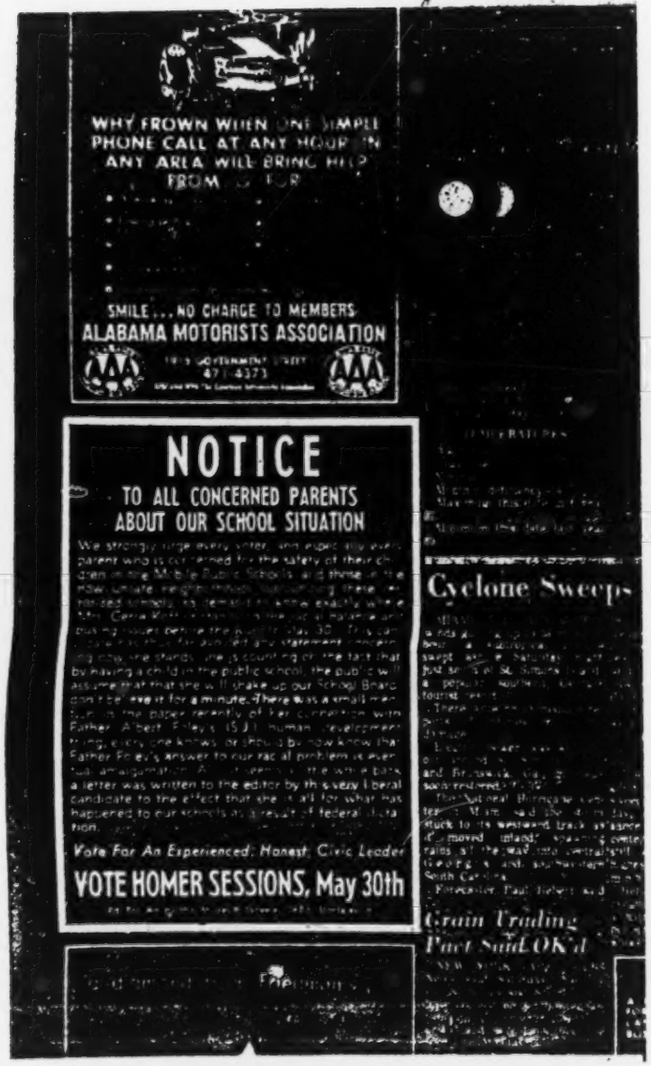
OPPONENT FAVORS

- Forced Busing
- Household Budget Experience

Paid Pol. Adv. Homer L. Sessions

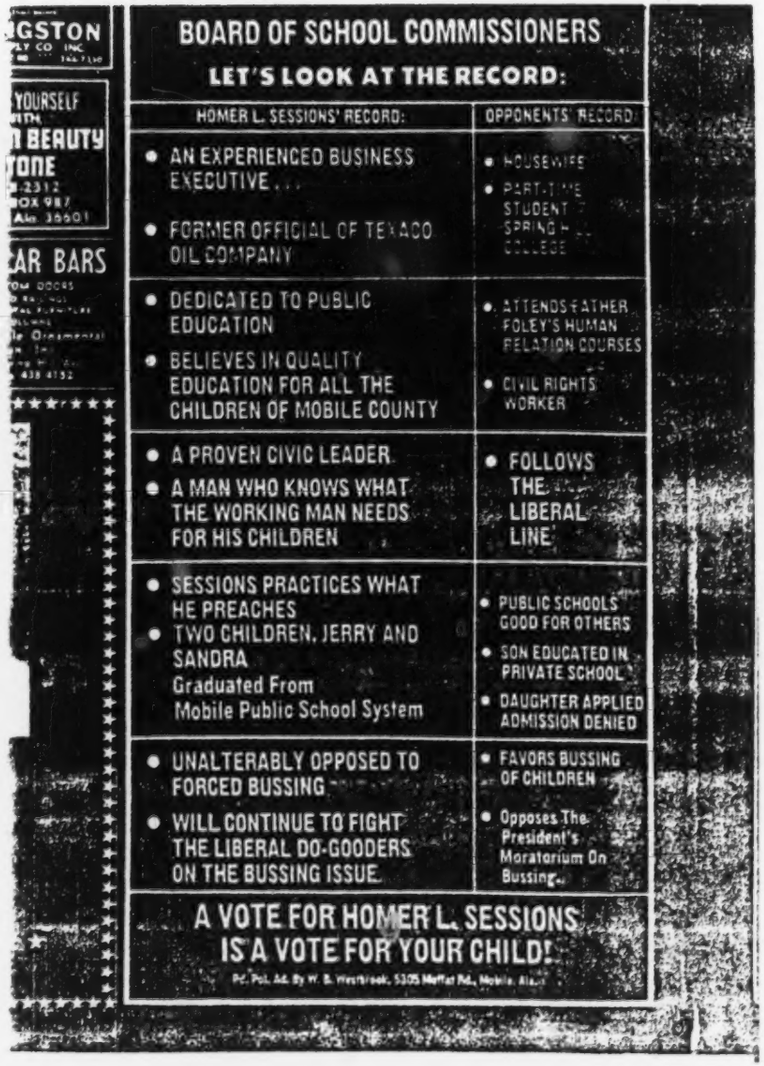
Bill
Dixon

2-A Press Register
Mobile, Sunday
May 28, 1972



MAY

2-A Press Register
Mobile, Sunday May 28, 1972

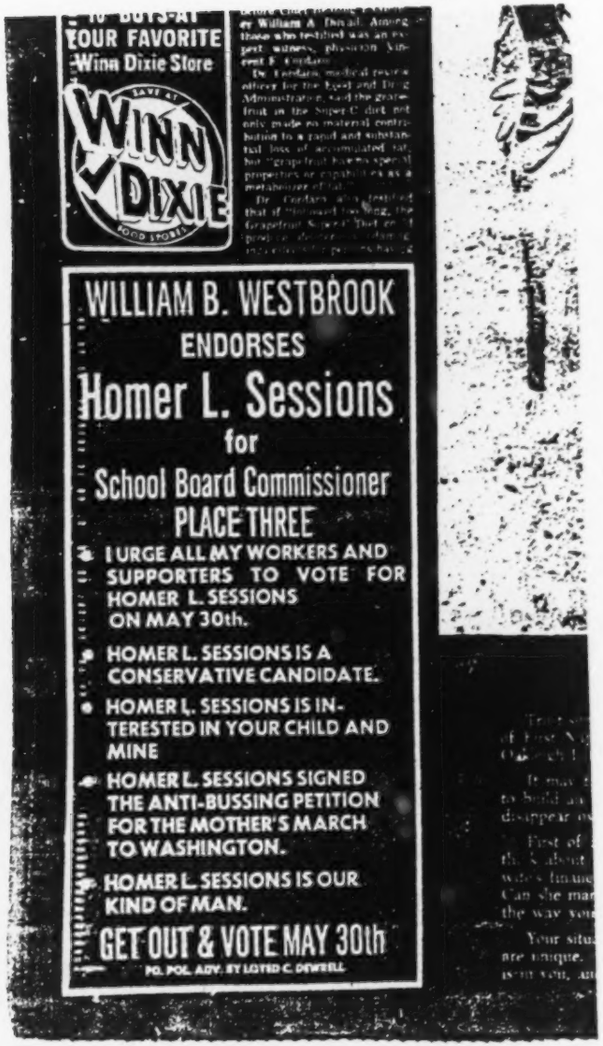


16-A Press Register
Mobile, Monday
May 26, 1970

Y

2

8



8/17/69 10-A (cont.)
BOTTOM

533a

532a

REMEMBER...it takes only a simple plurality to win.

There is no runoff!

BLACK TUESDAY
THE CHOICE IS YOURS

These people seek to destroy George Wallace and the Wallace Team

J. L. LaFlore, director of case work for the Non-Partisan Voters League and Citizens Committee, sponsor of the five- year

Bill Sellers—The State Of Politics

Mobile, Sunday, May 14, 1972 Press Register—8-A

Wallace Popularity Assessed

At a time when many people think Gov. George C. Wallace stands a chance—admittedly remote—of being elected President, many others here in Alabama feel he will have a difficult time winning another term as governor in 1974.

The latter assessment is based on some recent signs of a Wallace popularity slippage, coupled with an almost certain awareness of the issues to be developed in the next gubernatorial campaign.

The drop in popularity was perhaps best reflected when fund-raising dinners were held for the governor recently in Mobile, Birmingham and Montgomery. Several hundred tickets were sold in Mobile and about $3,000 to $7,000 was raised for the Wallace campaign, according to sources close to Rep. "Sonny" Callahan who staged the dinner.

But in Montgomery and Birmingham, the dinners were big flops.

Wallace insiders report that he is having a rough time trying to raise money in other states and is therefore having to lean heavily on Alabama for the fantastic sums needed to keep his show on the road.

Some of the Wallace fund raisers are generating some ill will with their tactics, particularly when they are dealing with contributors who do business with the state.

And there are increased murmurings of discontent over Wallace leaving state affairs neglected while he campaigns.

These complaints are not too loud at present since it is quite evident that Wallace is having an impact on the presidential campaign.

When he has returned to Alabama, however, and Washington—in the hands of a Democrat or a Republican—remains unchanged, his arguments will have a hollow ring in Alabama.

Do not think for a moment that other gubernatorial campaigners such as former Gov. Albert P. Brewer will allow voters to forget that the big issue in their 1970 race was that of full-time service as governor.

ONE TO WATCH

The most interesting race in the runoff ballot here May 30 will match Joe Langan and Harry McConnell for Place 3 on the Mobile County Commission.

Making this match-up more interesting is the bloc vote factor and the role it might play.

LANGAN

Langan received the bloc vote on May 2 and will probably have the endorsement in the runoff. It will be interesting to see if it will beat McConnell once more.

The Non-Partisan Voters League, incidentally, had 14 runoff contestants in 17 races on May 2.

U.S. Sen. Jim Al... the Wallace Joint... dates for delegat... Democratic Na... tion, including... L. W. Brinna... of Mobile...

...ponen... ...an Alex... ...Johnston, ...o. The third ...Kenneth Parm... ...student from ...

Parmer is employed on a co-op program by U.S. Sen. Jim Allen. The Senator's staff expressed amazement this past week to learn that Parmer, the anti-Wallace candidate, and Parmer the Allen aide were the same.

Parmer's appointment to Allen's staff was made by the University of South Alabama.

WAS IT MONEY OR PROMISES THAT SECURED THIS BLOC VOTE?
BEAT THE BLOC! Vote and the Choice is Yours! Don't Vote and the Choice is Theirs!

BLOC VOTE or YOU?

hich Will Elect Our Next City Commissioners

PLACE 1

	BAILEY	LANGAN
3	186	907
10	28	1882
20	11	483
31	9	262
32	9	306
	243	3840

IT IS TIME TO THINK! HOW IS THE BLOC VOTE OBTAINED?

1. THE CANDIDATE MUST FAVOR INTEGRATION OF SCHOOL FACILITIES.
2. THE CANDIDATE MUST BE WILLING TO FILL A HIGH PERCENTAGE OF JOBS IN THE OFFICE HE IS SEEKING WITH NEGROES.
3. THE CANDIDATE MUST AGREE TO USE HIS INFLUENCE TO HELP INTEGRATE ALL DEPARTMENTS OF THE CITY HALL.
4. THE CANDIDATE MUST FAVOR OPEN HOUSING.
5. THE CANDIDATE MUST USE TERMS OF RESPECT WHEN ADDRESSING NEGROES.

THINK VOTERS THINK! ARE YOU GOING TO STAY AT HOME ON AUGUST 13TH AND TURN THE MULTI-MILLION DOLLAR OPERATION OF OUR SCHOOLS AND CITY OVER TO BLOC VOTE DEMANDS FOR THE NEXT FOUR YEARS?

WAS IT MONEY OR PROMISES THAT SECURED THIS BLOC VOTE?

BEAT THE BLOC! Vote and the Choice is Yours! Don't Vote and the Choice is Theirs!

PD. POL. ADV. BY CITIZENS POL. ACTION COMM., W. C. STEVENS, CHMN.

2-A - Mobile Register Monday June 3, 1968

Mader Bearing Supply

Wiglets . . . $ 8.95 and up
Wigs . . . . . 29.95 and up
DISCOUNT BEAUTY & BARBER SUPPLY

James Glenn Cobb
MUTUAL FUNDS
STOCKS — BONDS

House Please To Stop Gam

BEAT THE
BLOC VOTE
AND THE CHOICE IS YOURS
DON'T VOTE
AND THE CHOICE IS THEIRS!

Why?

—BLOC VOTE RESULTS—
FOR
LICENSE COMMISSIONER

Predominantly Negro Wards — 1, 2, 3, 10, 11, 20, 22, 23, 31, 32

THORNTON PRICE-WILLIAMS 217
ALBERT L. STURTEVANT, Jr. 2,246

THINK — THEN VOTE!

PD. POL. ADV. BY A. H. LUCIUS, MOBILE, ALA.

GRADUATING—COLLEGE—SENIORS
SPECIAL PURCHASE PLAN

LOOK

ALABAMIANS AGAINST WALLACE

DID YOU READ LOOK ARTICLE APRIL 30, 1968?

JOSEPH B. LANGAN

"A man like Wallace, who insists on fighting both the Democratic and Republican parties, is not the best man to serve Mobile's needs."

JOHN L. LEFLORE

"Wallace has no Negro support in Alabama. What is it in Wallace's soul which makes him want to boast that he has Negro support?"

"BEAT THE METRO TEAM"

BE SURE YOU

VOTE

AUGUST 19th CITY ELECTION

PAID POL. ADV. CITIZENS OPPOSED TO METRO GOV'T. R. L. McLEOD, CHR.

JOE LANGAN'S EPISTLE TO THE VOTERS OF WARD 10

"Then the voters were herded into the voting booths to be counted, the blind, the mutes, the dead, and the illitrates. And lo, 99% bore the brand of Joe Langan."

Then the FAITHFUL REJOICED. And they swarmed in the recreation center holding their Ward Tabulations aloft and crying out in a loud voice. "See how I delivered my ward." There is no Commissioner but Joe Langan and my cousin, Teddy, is his president."

The results were confirmed and the computers had ceased to compute, the politicians started forth on their pilgrimage to the Avenue... to receive the blessings of the chief politician and to pluck the sacred fruit of the tree of patronage.

But when they arrived they found Joe sitting disconsolately on a mountain of morning papers. And the music was stilled, no songs filled the air, and only the mournful howl of a few was heard in the land.

Then the ward healers drew around and questioned him saying, "Wherefore art thou sad? Thou has overwhelmed thine enemies, yea even unto 99 percent in the colored wards.

But General Joe answered them saying, "BUT WHAT OF THE 1% WHO AMONG YOU HAVING LOST A SHEEP FROM HIS FLOCK, does not leave the 99 and go in search of the one that is lost.

Then Mr. Metro spoke in the voice of thunder saying,"I shall build my cousins Great Society in which there will be no percentages, no poverty, and no vehicle inspection stations, but possibly a ZOO.

Where the humblest citizens will have the same opportunities as Mr. Bill Crane, and Mr. Floyd Pate. Where the last shall be first, and the first shall be first and all others before and after him shall be first and Mobile County shall have 50 parks, 300 fire stations, 10 thousand miles of streets, 20 libraries, 6 tunnels, and 10 airports, and we shall receive 200 million dollars in poverty funds from my cousin, Teddy. WE SHALL EMBRACE ALL MEN AND WOMEN, BLACK OR WHITE, REGARDLESS OF PREVIOUS POLITICAL AFFILIATIONS."

But the ward healers murmured against him for they feared if all partook, the Pork Barrel would soon be empty and they might be forced to help pay for the filling of it again. Then Mr. Metro knowing their thoughts, spoke to them saying, "OH, YE OF LITTLE FAITH, did I not cause the NAACP to lie down with the SILK STOCKING WARDS? Did I not convince the people of Mobile County that my TAX AND SPEND POLICY is the best way to balance the budget and not add any NEW TAXES and yet still have more PUBLIC IMPROVEMENTS. All these miracles of PROGRESS I have performed and YET YOU STILL DOUBT? COME LET US REASON TOGETHER OR ELSE!!!!

2-B Mobile Register
Monday June 3, 196

BLOC VOTE or YOU?

Which Will Elect Our Next County Commissioners?

WARD (Predominately Colored Wards)	PLACE 1 HAAS	PLACE 1 YEAGER	WARD (Predominately Colored Wards)	PLACE 2 McCONNELL	PLACE 2 SMITH
3	685	86	3	388	74
10	694	55	10	388	68
20	276	17	20	219	14
31	240	4	31	207	11
32	286	22	32	176	20
	2181	184		1378	187

WAS IT MONEY OR PROMISES THAT SECURED THIS BLOC VOTE?

BEAT THE BLOC! Vote and the Choice is Yours! Don't Vote and the Choice is Theirs!

THESE CANDIDATES SUPPORT GEORGE C. WALLACE

TAKE THIS BALLOT TO THE POLLS WITH YOU

POLLMAN'S CAKE SHOPS 438-5511

Monday May 4, 1964
Mobile Register 5-A

TO THE VOTERS

of the

1ST CONGRESSIONAL DISTRICT

[illegible] for the 1st [illegible]

[illegible] nation is the same as [illegible]

[illegible] on the floor [illegible] 88th [illegible]

We have gone too long without a voice [illegible] affairs in Washington. Now each one of us has an important role in the election tomorrow.

Throughout this campaign, I have talked and visited with as many of you as I could. I want to thank you for the support, encouragement and friendship shown to me, my family and supporters in so many ways.

Everywhere in the State and District where I have been, I have explained why the Civil Rights Bill must be defeated and why the people must support the courageous campaign of Governor Wallace. The reaction of the Wallace team was to show its appreciation and support by endorsing my candidacy, witnessed by nearly 10,000 at Hartwell Field on the night of April 27th.

The reaction of my opponents — who have repeatedly refused to take a published stand against the Civil Rights Bill — has been to shower the good people of the First District with misleading advertisement and last-minute amendments to their platforms. I thank you for disregarding desperation politics.

Let us all join together tomorrow for an overwhelming vote to win without a run-off, so we can enter the statewide affray with the full 30 days to arm ourselves with the solid support of our district. I know your vote tomorrow will reflect the confidence you have expressed in me.

The First District needs a Congressman whose voice will speak in Washington the message our Governor is carrying to the rest of the nation.

John M. Tyson

Pd. Pol. Adv. by State Senator John M. Tyson

Plaintiff #98

ANALYSIS OF VICTORY MARGINS

Year & elec.	Winner/ Leader	margin of victory total	margin of victory black wards	% for winner/leader black wards	% for winner/leader total
1960 P	Haas			42	34
	Fort			19	24
	Stevens	3,952	1,396	74	57
1960 R	Haas	9,931	1,745	80	68
	Fort	1,876	[illegible]	69	54
1964 P	Haas	21,640	2,701	82	73
	Fort	5,790	*	41	56
	Stevens	15,296	1,211	63	65
1968 P	Haas			69	30
	McConnel			41	44
	Stevens	5,207	2,642	86	56
1968 R	Yeager	16,439	*	25	70
	Smith	1,517	*	24	52
1968 G	Yeager	44,314	303	61	81
	Smith	28,257	161	55	70
	Stevens	40,321	630	70	74
1972 P	Yeager	23,418	3,112	77	78
	Smith	17,213	3,155	79	71
	McConnel			14	36
1972 R	McConnel	10,697	*	24	64
1972 G	Yeager	43,737	8,414	93	89
	Smith	15,233	7,639	86	60
	Haas	4,203	*	22	53

NOTES: P = primary; R = run-off primary; G = general election

* = blacks did not vote for winner, and thus subtracted from victory margin.